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The Solicitors' Journal.

LONDON, JULY 16, 1864.

WE HAVE MORE THAN ONCE HAD OCCASION to call the attention of our readers to the very unequal distribution of work in the various circuit towns, as evidence that the requirements of the country have outgrown the old system of arrangement by counties. Thus, while the assizes may, in Lancashire and Yorkshire, be expected to last for weeks, and in some of the larger of the other counties will certainly occupy several days, the business to be transacted at Appleby, Hertford, and some other towns is insignificant, and out of all proportion to the expense and trouble of opening and holding assizes in those towns; while we have, as a climax of absurdity, two of her Majesty's judges proceeding to Oakham, and received with all the state, ceremony, and expenditure which invariably accompanies their "progress in eyre," for the purpose of hearing one cause, which might easily have been taken at Leicester or Northampton, and of trying two poor girls charged with concealment of birth, as to one of whom the bill was, as we have been informed, ignored by the grand jury.

We are not among those who undervalue historical associations, or the merits of the maxim "*quieta non movere*," but we have ever been, and ever, we trust, will be, ready to point out those cases, which the ever-shifting circumstances of society continually tend to produce, where the old arrangement has ceased to fit the new state of things; where, in short, the Institution has been outgrown by the Time.

It is, surely, time that some new arrangement should be made for the administration of justice in this country, which should give to towns like Liverpool and York the advantage of courts, sitting as continuously as the state of the business there obviously requires, while small counties, whose business is insignificant, might readily be united to their more litigious neighbours, after the fashion already prevailing in similar cases in Canada.

THE ANNUAL MASSACRE of the innocents has commenced, and among the first of the victims we regret to see the name of a bantling in which we had taken considerable interest, though with scarcely any hopes that it would survive the season annually so deadly to its kind. We refer to the Court of Chancery (Ireland) Bill, whose withdrawal we announce in our Parliamentary news this week, and which, after surviving a shock in its passage through committee, such as ordinarily proves fatal to embryo legislative measures, has been at last sacrificed to the exigencies of the impending close of the session.

Notwithstanding the ignorant sneers of the *Times*, whose writers either were not aware of the existence of the Court of Chancery (Ireland) Regulation Act, 1850, or intentionally suppressed all notice thereof; and notwithstanding the violent opposition of Mr. Whiteside, the author, and, so far as we know, the only admirer of the last-named Act; notwithstanding also the attempt made on the other side of the channel to enlist local professional jealousy against the measure, it had obtained, both in Parliament and out of it, the cordial approbation of the great majority of lawyers in both countries, and belonging to both branches of the profession.

We give elsewhere an account of an influential and important meeting of the Society of Attorneys and Solicitors of Ireland, which, by a large majority, approved of the principle of the bill.

The truth is—not, as the *Times* would have us to believe, that the reforms effected in England by Lord St. Leonards' Acts in 1852, are being at length introduced into the unreformed Irish courts, "where the abuses which had slowly gained a footing in England flourished rank as in a kindred soil," in 1864—not, as Mr. Whiteside would have us think, that an attempt was being made to perpetrate a simple Government job—not, as Mr. Ellis appears to imagine, that the independence or position of the profession in Ireland are threatened by the much-dreaded "centralization" movement—but simply that the Irish law reformers, like "Jack" in Swift's immortal tale, were so sweeping and violent in their measures, so determined to get rid of every "shred and patch" of the old abuses, that they left themselves nothing in the shape of pleadings but a confused mass of disjointed statements, which could never be reduced to an intelligible issue; and nothing in the shape of practice but the varying opinions, or caprices, of the different judges before whom the several points, all necessarily new, and with the analogy of the previous practice carefully excluded, were from time to time raised.

To get rid of this *crudis indigestaque moles*, and to restore somewhat of the old order and scientific arrangement, combined nevertheless with the new comparative celerity and cheapness of proceeding, and thus to extend to Ireland the benefits of that moderate and well-considered reform which has converted the Court of Chancery in England from the very worst into one of the very best of the courts of the empire, has been the object, and we believe the only object, of the bill whose untimely fate we now deplore.

OUR READERS will see in our Irish intelligence this week that the case of *Reynolds* v. *Lemon*, which threatened to become one of the "monster causes" of modern days, has come to an untimely end. Mr. Reynolds has been completely cleared of the injurious aspersions thrown out against his character, and has recovered a portion of his money, but without costs. Both he and Mr. Lemon appear to have been made the innocent victims of a gang of swindlers.

A QUESTION of considerable importance has been recently revived with respect to demands by the Legacy Duty Office for duty a long time over-due. One correspondent, writing to the *Times*, mentions a case in which an annuitant died in the year 1832, and in July, 1863, a letter from the Legacy Duty Office to the executor of the executor demands duty on the sum of £2,000, amounting to £130, and interest on that duty to the amount of £167 14*s*., making in the whole £297 14*s*. Both the original executors being dead, and the present complainant being unable to find any papers connected with an executorship more than forty years old, and long since forgotten, pays the demand to save legal expenses. We have recently had a case brought under our notice in which executors, who had many years ago supplied their solicitors with funds to pay such duties, were compelled to pay them over again to the office, after the debt, as against the solicitors, had become barred by the Statute of Limitations: the commissioners not having for more than six years in any manner complained of the non-payment of the duties. It is obvious there ought to be some limit to the requirements of a department which can, after money has been due more than thirty years, make a successful claim for the full amount and interest, without having, in the meantime, kept the debt alive by demands made within a reasonable period of the debt becoming due.

Very little notice need be taken of a reply which the *Times* thinks fit to insert in answer to several letters containing complaints, of which the above is a specimen, except to call attention to the fact that the writer appears to be more interested in advocating the establishment of a "court of executorship" or a "court of trusteeship" than in defending the Legacy Duty Office from the attacks

made upon it. Without doubt executors are often ignorant of the duties they undertake to perform; but if, after the lapse of thirty years, such demands can be made as those complained of, it were better that no executorship accounts were kept at Somerset House, than that individuals innumerable should suffer through bad book-keeping; as no knowledge of business, however extensive, will prove any protection against it.

THE DISCUSSIONS IN PARLIAMENT on the question of *Leeds* v. *Wakefield*, of which we gave a short account some weeks since, have borne practical fruit in the shape of an order in council dated the 9th inst., amending the order made on the 10th June, relative to this matter. We give *in extenso* the only two important clauses of the new order.

I. In all cases of commitment for trial, or of recognizances to appear and prosecute, or give evidence or answer at the assizes, for any offence supposed to have been committed in the said "North and East Riding Division," such commitment shall be either to the Castle of York, or to the gaol or house of correction in Northallerton, or to the gaol or house of correction in Beverley, and the recognizances shall be taken to appear and prosecute, or give evidence or to appear and answer, at the assizes at York, as heretofore, and for any offence supposed to have been committed in the "said West Riding Division," the commitment shall be either to the borough gaol in Leeds, or to the gaol or house of correction in Wakefield; and the recognizances shall be taken to appear and prosecute or give evidence, or to appear and answer, at the assizes at Leeds unless the justice or justices of the peace, making any such commitment, or taking such recognizance, shall, under the special circumstances of the case, think fit to make such commitment for trial or recognizance to appear and prosecute or give evidence, or to appear and answer, at the assizes to be holden in either of the said divisions other than that in which the offence shall be supposed to have been committed, in which case such commitment shall be made and recognizances taken, and such trial shall take place accordingly."

II. All prisoners now or hereafter in custody in the said gaol or house of correction in Wakefield, for trial at the next ensuing assizes to be holden at York, after the date of this order, for offences appearing by their respective commitments to have been committed within the said "West Riding division" (other than such prisoners, if any, as may have been committed by any justice or justices in such special case as in the said fifth section aforesaid), shall be tried at the said next assizes to be holden at Leeds, and the sheriff of the said county shall, ten days before the day fixed for the opening of the commission at the said next assizes at Leeds, cause to be inserted in one or more of the newspapers published in the said county a list of the names of such prisoners who are to be tried at Leeds (so far as the same list can then be made out), with a short statement of the offences with which they are charged, together with a notice that all persons bound by recognizance, to appear and prosecute or give evidence against such prisoners so to be tried at Leeds, shall appear and give evidence at the said next assizes to be holden at Leeds; and the persons so bound shall so appear and prosecute and give evidence accordingly; and all such prisoners so to be tried at Leeds, shall be removed from the said gaol or house of correction to the said borough gaol at Leeds, for the purposes of such trial, and shall there be kept in custody, in the same manner, in all respects, as they would have been liable to be removed to and kept in custody at York, if this order and the said order of the tenth day of June, one thousand eight hundred and sixty-four, had not been made.

THE LATE CO-RESPONDENT in the suit of *Crowther* v. *Crowther and Griffiths* has been successful in his appeal to the Lord Chancellor from the order of Mr. Commissioner Hill, by which, as a bankrupt, he had been sentenced to be imprisoned for six months. The details of the case will be found in another column, from which it will be seen that, having been once punished in the Divorce Court for the moral offence there proved against him, he was in danger of undergoing a second punishment for the same offence. Although it is desirable that the Commissioner in Bankruptcy should be strictly informed as to the circumstances under which a debt is incurred, yet no amount of merely moral turpitude will, we apprehend, bring a bankrupt within the penal clauses of the statute.

IN NOTICING lately* the presentation of the Swiney Prize to Dr. Maine, we did not venture to state, upon mere hearsay, what we had been told—viz., that, according to the founder's will, this prize for a treatise on jurisprudence ought to be adjudged by the members of the Society of Arts with the assistance of their wives. We believe that in the recent instance the society referred the adjudication to the council, and the council to its legal members; but whether the wives of those legal members claimed to influence the decision is a point upon which we are not informed.

It may be interesting to subjoin an extract from the founder's will:—George Swiney, Doctor of Physic of the University of Edinburgh, by will, dated May 27, 1831, left "£5,000 Stock, in the Three per Cent. Consols, to the Society for the Encouragement of Arts, Manufactures, and Commerce, in trust to apply the dividends thereof as follows,—viz., that they should, on every fifth anniversary of his decease, for ever, present to that agriculturist, being a leaseholder in England, Wales, or Scotland, who should, during the five years preceding, have brought into arable cultivation the greatest quantity of waste land, a silver goblet of the value of £100, containing gold coin to the same amount; and that they should apply the remainder of the dividends to the general purposes of that institution." By a codicil to his will, dated September 4, 1836, Dr. Swiney revoked the above bequest, and left the sum of £5,000 in the Three per Cent. Consols to the same Society of Arts, "in trust, for the purpose of presenting, at similar periods, a similar prize to the author of the best published treatise on jurisprudence, to be adjudged by the members themselves and the fellows of the College of Physicians, with the wives of such of both as may be married, for ever;" the surplus to be applied to the general purposes of the society.

THE LATE COLONEL BREWSTER, of the Inns of Court Volunteers, whose decease we announced last week, was buried on the 12th inst., with military honours, at the Brompton Cemetery. The Inns of Court corps present consisted of a firing party of 100 picked men, and of 200 volunteers without rifles following in the rear. The whole party mustered at half-past nine in the garden of Eccleston-square. They marched thence to Warwick-square, and formed opposite Colonel Brewster's house; they afterwards followed the mourners and friends to St. Gabriel's Church, in Warwick-square, where a full choral service was performed. Thence the procession proceeded to the cemetery, the band of the regiment playing occasionally the Dead March in "Saul." At the grave the firing party formed on a plateau above the grave; the rear rank took open order, and when the service was concluded, fired three volleys in the air. Colonel M'Murdo and other volunteer officers were present.

THE LEEDS AND YORKSHIRE ASSURANCE COMPANY, the head office of which is at Leeds, is about to be amalgamated with the Liverpool and London Fire and Life Insurance Company, with which the Globe Insurance Company has just been amalgamated. The Leeds and Yorkshire Company has been very successful, and the terms on which it unites with the Liverpool and London are deemed very satisfactory, and the result is expected to be an increase in the Yorkshire business of the united companies.

IT IS MUCH TO BE REGRETTED that the general public are so badly informed respecting the Accountant-General's office of the Court of Chancery, and the mode of dealing with the funds under its controul. The *Times*, not in general noted for the accuracy of its leading articles, seems to have had even less show of acquaintance with its subject than usual, in the two or three articles recently

* 8 Sol. Jour. 683.

published, in which the funds of the Court of Chancery are referred to. But Herod is fairly out-Heroded in an article which has lately appeared in a contemporary of considerable merit in its own sphere, and usually looked up to as an oracle on money matters, which, in dealing with the subject of the chancery funds, shows such an amount of ignorance (not unmixed, we confess with useful hints), as thoroughly to exemplify the proverb *ne sutor ultra crepidam*. We believe there is not the smallest amount of truth in the assertion, that in Chancery orders "the sums dealt with are rather described than specified, and that so loosely, that accounts are being continually charged with larger operations than they will bear;" beyond this, that in the report of the Chancery Funds Commission, which we lately noticed in our columns,* there is mention made of two or three accounts having been overdrawn during a period of about three years, the whole excess amounting to about a shilling. On the contrary, it is known that one of the great causes of delay in the drawing-up of orders is the anxiety of the registrars that funds should be accurately described, and the waiting for what is called "a voluntary certificate" from the Accountant-General of the fund to be dealt with.

Again, the idea that foreign securities are deposited with the Court of Chancery in such a manner as to prevent the interest being received, is perfectly erroneous. Whenever such securities are deposited, provision is always made for the periodical delivery of the securities for the purpose of detaching the interest coupons.

It is not true that "injurious delay and unnecessary expense have increased in an enormous ratio with the growth of the funds deposited with the Court of Chancery," but it is true, and lamentably so, that the dissemination of notions such as these tends to prevent the introduction of reforms, for which so many have been working, and which this Journal has always advocated, for the diminution of the expense and delay which proverbially belong to Chancery proceedings.

THE ARRANGEMENTS mentioned in our last number for the entertainment of M. Berryer, the distinguished French advocate, by the Inns of Court, are so far advanced, that copies of the papers of invitation now lie for signature at the stewards' offices of the four Inns.

JOHN LEE, of Doctors'-commons, Esq., LL.D. (admitted 3rd November, 1816), and John Bridge Aspinall, of the Middle Temple, Esq. (called 19th November, 1841), Deputy Recorder of Liverpool, have been appointed Queen's Counsel.

THE SECOND ANNUAL DINNER of the Legal and General Discussion Society is announced to take place on Saturday, 23rd inst, at the Freemason's Tavern, "*Quod felix faustumque sit.*"

HER MAJESTY has ordered that the town of Helmsley shall be an additional polling place for the North Riding of Yorkshire.

A PETITION has been presented to Parliament by Colonel Smyth, from the solicitors and proctors practising in York, in favour of the Law Courts Money Bill.

THE JURISDICTION OF THE COURT OF BANKRUPTCY IN THE RELEASE OF PRISONERS.

The subject which heads this article has been often mooted in our courts, and has been viewed in very different lights by different judges, even before the passing of the Act of 1861. Since that Act was passed it has risen very much in importance, and applications are now very frequent for the release of debtors in prison, principally in cases where those debtors have executed deeds registered within the 192nd section of that Act, but also occasionally where the debtors have had an adjudication actually made against them. It becomes, then, the more important that some clear principle should be established, according to which prisoners and practitioners may be guided in making such applications, and that it should be definitely laid down on explicit grounds to what court such an application should be made in any given case.

The power to discharge a prisoner from an arrest under the process of one of the superior courts is obviously a very large and arbitrary power to intrust to any other court, and one which should not be assumed without clear authority, either expressly given or of necessity implied by statute, or else accorded by clear analogy to the common law to the courts which have obtained by statute other powers involving, according to that analogy, this power also. If the Court of Bankruptcy can be shown to be empowered by statute, either expressly or by clear and necessary implication, to release prisoners in any given case, then, of course, the question in in dispute would be reduced to proof that, according to the analogy of the common law, the powers which the Court of Bankruptcy is acknowledged to possess involve this power also; and then, though it might still be open to some doubt, we should lean to the belief that it possessed this power: but if it be shown that, except in certain cases where it is explicitly empowered to release, there is no necessary implication of such a power; or that there is no such analogy as we have before mentioned; then we think that the Court of Bankruptcy should be confined to the matters within its jurisdiction, and that applications for discharge from arrest ought to be made to the court of ordinary jurisdiction; either by a special application to the court whose process it is desired to supersede; or else by an application by writ of *habeas corpus* to any of the superior courts, grounded on the general right of the subject to be released when wrongfully in arrest, under any colour whatsoever.

It must here be premised that, as the procedure in bankruptcy was formerly constituted, it was well established that a bankrupt, having received protection, was entitled to apply to the Lord Chancellor for his discharge from custody, serving his petition or notice of motion on the arresting or detaining creditors, and that orders were frequently made for such discharge. If the creditors did not thereupon discharge the debtor, the order was extended to the sheriff or officer; and disobedience, either of the creditors, or the sheriff or officer, was punishable as a contempt of the great seal. This practice arose under the very indefinite powers of the great seal in matters of bankruptcy, and may have continued while the Court of Review existed, whose powers were granted by reference to the powers theretofore exercised in bankruptcy by the great seal. But the general jurisdiction of the Court of Bankruptcy was limited and statutably defined by the Acts of 1849 and 1861, and it is therefore necessary to see how far it extends in this matter under these Acts. The sections generally defining the jurisdiction are the 6th and 12th sections of the Act of 1849 and the 1st of the Act of 1861. The 6th of the Act of 1849 and the 1st of the Act of 1861 merely declare that the court shall be a court of record, and exercise all the powers of the superior courts of law and equity for the purposes of the Act—*i.e.*, for all purposes necessary for the administration of the law in Bankruptcy. The 12th section of the Act of 1849 defines the powers of the Court in its primary jurisdiction, and limits it as follows:—It gives the Court power to make orders in any matter of bankruptcy, so far as the assignees are concerned, relating to the disposition of the estate and effects of the bankrupt, &c., "and also in any matter of bankruptcy whatever, as between the assignees and any creditor or other person appearing and submitting to the jurisdiction of the Court, and also in any application for certificate, and in any other matter, whether in bankruptcy or not, where the Court, by virtue of the Act, has jurisdiction over the subject" of the application, except as otherwise by the Act may be specially provided. Here the juris-

*8 Sol. Jour. 609.

diction over persons other than the bankrupt or the assignees in their character as such is limited to persons appearing and submitting to the Court, and the special words as to the power of the Court in matters of certificate, which might affect other persons than creditors submitting, confirms the view that in all matters other than those strictly necessary for realizing and distributing the assets, the express or implied submission of a creditor is necessary to give the Court jurisdiction over him. Thus it has been held (*Ex parte Boncer*, Fonb. 157) that since the passing of the Act of 1849 the Court has no power to injoin a creditor from proceeding at law, even though he may have proved his debt and thus disentitled himself from prosecuting an action for it.

How stands it, then, with regard to the discharge of a prisoner? In such a case the execution or detaining creditor has never submitted to the Court, even by proving his debt; and if the Court has any jurisdiction over him to order him to discharge the debtor, it can only be because such a power is *necessary* for the administration of the law in bankruptcy, or is given expressly by statute. How, then, is it necessary? It is, in any case, not more necessary than the power of giving a certificate, which power, nevertheless, it was deemed necessary to confer by express words, as against creditors not submitting.

With regard to express statutory power, the sections treating of protection are the 112th and 113th sections of the Act of 1849, and the 198th section of the Act of 1861; the latter, however, only provides that the certificate of the registration of a deed complying with the provisions of the 192nd section "shall be available to the debtor for all purposes as a protection in bankruptcy," and his throws us back on the Act of 1849 for the effect of such protection. The 112th section of the Act of 1849 provides that "If the bankrupt be not in prison or in custody at the date of the adjudication, he shall be free from arrest or imprisonment by any creditor in coming to surrender, and, after such surrender, during the time by this Act limited for such surrender, and for such further time as shall be allowed him for finishing his examination, and for such time after finishing his examination until his certificate be allowed as the Court shall from time to time by indorsement upon the summons of such bankrupt think fit to appoint, and whenever any bankrupt is in prison, &c."

Then follows a provision for enabling them to be brought up to surrender, "*and where any person who has been adjudged bankrupt and has surrendered and obtained his protection from arrest is in prison or in custody for debt at the time of obtaining such protection*, the Court *may*, except in the cases next hereinafter mentioned, order his immediate release, either absolutely or upon such conditions as it shall think fit;" and the section then goes on to state the exceptions to this power. Now, here is a power of discharging prisoners given to the Court of Bankruptcy in express words, but under certain circumstances only. Under those circumstances the power is undeniable; but to those circumstances, we are of opinion, the power is confined; indeed, if it extended to other circumstances, why give it by express words under these in particular. Nor is there anything arbitrary or capricious in giving such a power under these circumstances while denying it under any other. The reason seems plain: when the bankrupt already in prison is brought up to surrender and obtains a grant of protection, there is an obvious reason for giving the Court which grants protection also power to make the necessary consequential order to give effect to the protection which it has granted, and not leaving one Court the power to *make* the order for protection, requiring the assistance of another Court to *give effect* to the order. This reason exists in no other case. It is to be assumed that a bankrupt having received the protection of the Court of Bankruptcy will not afterwards be arrested in defiance of that protection; but if he be, and require to make an application to any Court for his discharge, there is in such case no reason for sending him to the Court of Bankruptcy rather than any other. Nothing is saved in time or convenience by a resort to that court rather than the superior court under whose process he is in arrest, and, the reason for giving the power no longer existing, the Legislature seems to us to have acted wisely in refraining from giving it, if, indeed, it has so refrained; at any rate, it has not given this power in express words. The 113th section provides that a bankrupt, having obtained his protection, if *afterwards* arrested, shall, on showing to the officer who arrests him the order of protection and giving him a copy, *be* immediately *discharged*, and goes on to provide a penalty, to be recovered from the officer by action, in case of his detaining the bankrupt in disregard of the protection; but it provides nothing as to any other *means* of enforcing the discharge of the bankrupt.

The statute standing so, it is not to be wondered at that doubts have been felt and expressed as to the limit of the jurisdiction of the Court of Bankruptcy to order the release of a prisoner under circumstances not covered by the express words of the 112th section. In *Penhall* v. *Littlejohns*, 1 N. R. 292, and *Re Harwood*, 7 L. T. N. S. 171, the Courts which tried those cases seemed to be unconvinced that any such jurisdiction existed; and in the late case of *Ex parte Smith; Re Smith*, still undecided, the Lord Chancellor expressed himself very strongly to the same effect; the point was, however, ultimately withdrawn from his Lordship's consideration by consent of the parties, and no actual decision has been pronounced. On the other hand, the Lords Justices, in *Re Castleton*, 31 L. J. Bkcy. 71, and *Re Shettle*, 1 De G. J. & S. 260, seem to have thought the jurisdiction did exist. It is urged in support of the jurisdiction, that the protection of a bankrupt is analogous to that of a witness, and that it is for the furtherence of justice, and a privilege of the Court of Bankruptcy, that the bankrupt should be enabled to attend its sittings and to assist its officers in getting in his estate, and that the Court has the power contended for in furtherance of the objects of its constitution, and in defence of its privilege. The answer is, that as to the attendance on the sittings of the Court, it has undoubtedly the power to cause the bankrupt to be brought up, and that, in any case, this privilege cannot be put higher than the privilege with regard to a witness subpœnaed to attend a trial at a court of record, say a court of quarter sessions; yet a witness in such a case, arrested under the writ of a superior court, cannot be discharged *by the court of quarter sessions* (*Wilson* v. *Sheriffs of London*, Brownl. 1, 1 p. 15; *Clerk* v. *Molyneux*, 1 Raym. 100, 1 Lev. 159, 1 Siderf. 269, 1 Keb. 845); he must apply to the court under whose process he is arrested, or else take his remedy by *habeas corpus*.

It was indeed ruled in the case of *Plumer* v. *Mac Donald*, 11 Jur. 899, by Vice-Chancellor Knight Bruce, that a person arrested under an order of the Court of Chancery, while going to attend the Court of Bankruptcy on the hearing of a petition which he had filed there, ought to apply to the Court of Bankruptcy for his release; and, sitting in Chancery, his Honour refused to release the applicant; but this was while the Court of Bankruptcy retained its powers by reference to those of the great seal; and it is submitted that in any case this decision went too far, since the proposition that, under such circumstances, the Court, by virtue of whose process the prisoner is in arrest, has not at least concurrent jurisdiction with the court whose privilege is invaded, to release the prisoner, is one which is at variance with the received rule of practice in most of the courts. (See *Penhall* v. *Littlejohns*, before cited, also *Hayne* v. *Robertson*, 16 C. B. 554; *Chauvin* v. *Alexandre*, 10 W. R. 248, where the common law courts have not hesitated to exercise a similar jurisdiction.)

In this condition of the authorities, it seems to us that where no particular court is defined by statute as the

court to order the debtor's release, the ordinary court of common resort are naturally and properly presumed to be the courts to afford justice in each particular cases It may further be remarked that if it so happened that the commissioner's order were not a sufficient authority for the sheriff to discharge the prisoner, he would be liable to the creditor for an escape in discharging the prisoner on such an order, and the right of injoining a creditor who has not proved from suing the sheriff for an escape is one which would seem rather beyond the jurisdiction of the Court of Bankruptcy, how far soever one may be inclined to stretch it; it would seem, therefore, on the whole, that, notwithstanding the weighty *dicta*, and it must be owned in some cases the decisions, in favour of the jurisdiction of the Court of Bankruptcy to release prisoners having received protection, that Court will act more prudently in declining to exercise such a jurisdiction, except in cases within the words of the 112th section of the Act of 1849.

In any case it seems to be the more regular course, where executing the process of one court would involve committing a contempt of another, rather to apply to the Court ordering the process to vary its own order, than to make application to the Court whose privilege is invaded to support its dignity by ordering a counter-contempt of the Court issuing the process—viz., by directing a breach of the order of that Court by its own officers. This last course leads to a most unseemly conflict of jurisdiction, and places the officers of the court in a very false position; on the other hand, if application be made on good grounds to the Court which ordered the process, it will, no doubt, retract its own order; the prisoner will thus be set at large, and the officers discharged from liability, all the courts be in harmony, and each treated with its due respect.

THE COURTS OF JUSTICE BUILDING ACTS.

In our last number* we gave an outline of the bills which have been lately brought into the House of Commons for the purpose of making a more suitable provision for the decent and dignified administration of justice in the principal courts. The public are now led to hope that, at last, after so many years delay and such frequent disappointments as they have experienced, a step is about to be taken which will have the effect of bringing together the scattered units which compose our several law courts.

Our readers are aware that these bills are founded upon the report of the commission of inquiry, which was published in the year 1860, and has appeared at length in these columns,† but which has been permitted ever since to remain a dead letter. The public, and the profession, or such of them to whom these facts are new, will naturally inquire what has been the cause of this delay. Reform in the administration of the law has been the object of the present Lord Chancellor, ever since the commencement of his political career; but since the session of 1862, when bills precisely similar to the present were rejected by the House of Commons by the operation of an accidental mistake, somewhat similar to that which so nearly defeated the Court of Chancery (Ireland) Bill‡ the other day, an account of which will be found by reference to our then current number,§ neither his Lordship, nor the Government of which he is a member, have made any sign.

We stated, in an article which appeared about a month prior to this catastrophe,‖ that we considered the question of site to be the most difficult in the way of the measure; and so it has indeed proved, though not precisely in the manner anticipated, for there can be no doubt that the opposition of Mr. Selwyn, which unfortunately prevailed two years ago, and which must, at this late period of the session, unless he has the grace to retire from a contest which can only be carried on by means which may perhaps fairly be considered factious, prevail again, proceeds mainly, if not solely, from the natural desire felt by the benchers of Lincoln's-inn to retain the equity courts within their own grasp.

The way in which the honourable and learned member ignores all previous inquiries and evidence tending to show the desirability of the proposed measure, is truly refreshing. The question is one on which we can speak with confidence, as we have ever been its zealous and consistent advocates. Almost every city in Europe has its palace of justice or other building containing several courts, and every accommodation for their officers; the majesty of law is comfortably and conveniently accomodated in Dublin, nobly provided for in Edinburgh; while the present state of accommodation for our judges and their officers in London is a standing topic of complaint from every one who is connected in any way with the legal business of the country. Of all the numerous courts which are now existing in the metropolis, we cannot call to mind one which is not open to objection more or less serious. Most of these objections arise from the circumstance that a very large increase has taken place in the business of these courts since they were built, but it is in most cases many a day since the business has outgrown the accommodation provided for it.

The great evils sought to be remedied are—first, the want of proper courts and accommodation for the judges, and, secondly, the extensive area over which the existing courts and offices lie scattered. Including the six courts which now form the High Court of Chancery, and their several offices, there are nearly forty courts and buildings included in the scheme now before the House, and which it is intended shall participate in the benefits to be derived from "consolidation," and amongst others are the cramped and inconvenient courts at Westminster, with their meagre accommodation for the Bar and the solicitors and witnesses. Our common law judges are bandied about from one court to another in and over Westminster Hall, administering itinerant justice under difficulties; Sir J. P. Wilde occupies a borrowed court, which the Lord Chancellor vacates for one not much less inconvenient at Lincoln's Inn; there is no permanent place for the Court of Admiralty, which now sits in the court appropriated at Westminster to the Master of Rolls. Then again in the new practice of trial by jury in the Court of Chancery, the present courts, and the accommodation they afford, are found intolerably inconvenient. Surely it tends to bring justice into disrepute, when a place totally inadequate for the accommodation of those who have to assist at its administration is the only available provision for the purpose. No one of the chancery courts has any sort of fitness for a trial by jury, and our judges have accordingly to suffer the scandal of witnessing the tortures of twelve men cramped up in a little temporary box only large enough for six, in a small stifling shed utterly devoid of ventilation, and listening, perhaps for days together, to the most abstruse evidence and reasoning, which can only to be understood and properly digested under circumstances of positive physical comfort. When the jury retires for deliberation or refreshment, there is no room provided for them; and if they are not always compelled to loiter in the lobby of the court or to consult in whispers in a corner, this has generally been due to the kindness of the judge, who has placed his own room at their disposal, while he has had to seek a temporary retirement for himself in some other quarter: there is no room set apart for witnesses; and, in fact, the courts themselves, and everything belonging to them, are of the most squallid and meagre description.

It is impossible to understand how any one can assert that these complaints are only tenable with regard to two out of the six courts. True it is that the courts of the Lord Chancellor and the Vice-Chancellor Kinderaley are larger and better ventilated than the sheds of the other Vice-Chancellors, and the Master

* 8 Sol. Jour. 728. † 4 Sol. Jour. 715. ‡ 8 Sol. Jour. 676.
§ 6 Sol. Jour. 449. ‖ 6 Sol. Jour. 373.

of the Rolls has, perhaps, more space in his domain; but in none of the six courts is there any provision or proper arrangement made for a trial by jury. The fact is, that none of the courts were built for the purposes to which they are now liable to be applied; and the extra business and different practice introduced within the last twelve years, make them totally inadequate for the convenience of the suitors as well as of the practitioners.

All the courts and their offices to which we have referred, now lie scattered, as it were, broad cast over a part of London the extremities of which are distant from each other about two miles; while the members of the bar, and the solicitors who practise in these courts and offices, have their chambers chiefly about the neighbourhood of Lincoln's-inn; and it has been almost unanimously agreed that near that very neighbourhood the new Palace of Justice ought to be erected. Our readers will see with no little satisfaction that the bill adopts the Carey-street site, as we may call it for the sake of distinction, that being the site which, after a strict investigation, was adopted by the commissioners in their report of 1860. It comprises a considerable area, lying immediately on the north side of the Strand, having Bell-yard on the east, Clement's-inn on the west, and Carey-street and Yeates-street on the north. It has been more than hinted that the Benchers of Lincoln's-inn use their influence to prevent the demolition of the unsightly buildings for the use of which the Court of Chancery pays them a rent, and which, with great politeness, have been called courts, but have been with greater truth described as "sheds," or "barracks," or "beehives;" but it is incredible that they can be so blind to the general interest of the community as to allow themselves to be misled by a paltry consideration of that description, or that Mr. Selwyn would lend his aid to uphold an opposition so ill judged.

Remarkable as it may appear, we believe that that portion of the Suitors' Fund, which the bill now before us proposes to appropriate, is not generally known to consist only of the accumulations of the surplus income, derived by the investment of the numerous small sums of cash which have for the last seventy years been standing in the Court of Chancery, and which would otherwise have remained unproductive. The suitors may rest assured that their property will not be interfered with. Compared with the measure introduced in the year 1861, and which was not then proceeded with, we find the present bill "to supply means towards defraying the expenses of providing courts of justice and the various offices belonging thereto, and for other purposes," is much more comprehensive, and at the same time rather more moderate in its demands on the funds of the Court of Chancery. The former proposition was to take the whole of the surplus interest, amounting to more than a million and a quarter sterling (now increased to £1,500,000), leaving the Consolidated Fund to bear the burden permanently of any deficiency in respect of the payments now charged thereon. The present measure only proposes to levy a contribution of £1,000,000 from the Court of Chancery, and that the remainder of the funds should be supplied by the other courts to the extent of £500,000, by means of fees to be imposed on the proceedings in those courts, the money to be raised by means of annuities for fifty years, chargeable upon those fees. In order to secure that the suitors shall not be prejudiced by any deficiency in their cash balance, it is provided that if their guarantee, which will have been reduced from £1,500,000 to £500,000, shall ever prove insufficient for their claims, then those claims are to be made good out of the Consolidated Fund; and that if the £500,000 in question should ever be insufficient to meet the charges now upon it, which consist of certain compensation allowances, any deficiency is to be made good out of the Consolidated Fund. There are not wanting those who argue that the whole expense of providing courts should be borne by the country at large, but we cannot help thinking that the equitable mode is, that the suitors, as a class, ought to contribute towards the expense of an adjustment of their differences, although men may differ as to the proportion which each ought to bear.

It being settled then that the Court of Chancery is to contribute her million of money; we think it would satisfy many minds if a provision was added at the end of the 15th clause, that the Consolidated Fund should be recouped out of the Surplus Interest Fund any money it might be called upon to make good to the Surplus Interest Fund, whenever that fund should again have a surplus, after meeting the charges upon it. Objectors are not wanting who set their faces against that part of the scheme for concentrating our courts which appropriates this Surplus Interest Fund; but without attempting to argue upon the propriety or advisibility of so applying the money, we will only remark that precedents are not wanting for such an appropriation. Four distinct Acts of Parliament have authorised moneys to be appropriated "out of the general moneys of the suitors of the High Court of Chancery in Ireland," for the erection of courts and offices, and directing that any deficiency caused thereby should be made good out of the Treasury. We are glad to see that it is at last proposed to follow, though with faltering steps, this good example in England.*

EQUITY.

Notice to Treat and Counter-Notice.

Re Arnold, M. R., 11 W. R., 793; *Mason* v. *Stokes Bay Railway Company*, V.C.W., 11 W. R. 80.

We offered, in a recent number,† some warnings to landowners and their advisers as to the dangers which beset dealings with the promoters of railway companies for the sale of land, and the withdrawals of opposition to railway bills; we now propose to direct attention to some of the points which the solicitor of a landowner must consider when his client brings him the "notice to treat," which the company have served on him, a document now familiar to most owners of landed property, and from which there is no escape, as the Parliamentary agent everywhere (except, as it seems, in the metropolis),

> "Æquo pulsat pede pauperum tabernas
> Regumque turres."

Strange, however, as the assertion may at first appear, the notice to treat is often, when rightly viewed, a messenger of comfort to the harassed landowner. For while it binds the company to treat with the landowner for the whole of the land specified in the notice, and to proceed in the mode prescribed by the Lands Clauses Act, it often sets the landowner free from the trammels of an ill-conducted negociation, and places him once more in a position of advantage for the conflict. This occurred in the case of *The Bedford and Cambridge Railway Company* v. *Stanley*, 2 J. H. 746; 9 W. R. 139, where the defendant, before the formation of the company, had, by a contract binding upon him, agreed to sell such part of his land as the company might require, at thirty years purchase. Owing, however, to a change in the course of the railway, he became desirous of getting off his bargain, and this, which the Vice-Chancellor intimated that he could not have done had not the company served him with a notice to treat, and entered under the 85th section of the Lands Clauses Act, he, on that ground, succeeded in effecting. On a bill by the company against the landowner to enforce specific performance of the agreement, his Honour held that by the notice to treat and subsequent proceedings under their compulsory powers, the company had waived all benefit under the agreement. His Honour, in giving judgment, observed ‡—"On reference to the Act it will

* Since the above article was written, the Attorney-General has announced that the Courts of Justice Money Bill, will not be proceeded with this session.

† 8 Sol. Jour. 542. ‡ P. 762.

be seen that the proceedings as to taking land by agreement are regulated by the first sixteen clauses, after which a further set of clauses commences providing for the compulsory taking of land, and it is under these that a notice to treat such as was served on the defendant is given. . . . . The service of this notice brought all the compulsory powers into operation, and the defendant is entitled to say that the present suit is an application by the company to prevent the arbitration, which was the legitimate consequence of the proceedings they had adopted. . . . I think that the effect of the notice was to bind Stanley to sell under the compulsory process provided by the Lands Clauses Act, the company at the same time having the benefits in respect of title which that Act confers upon them."

The course to be pursued by the landowner where the company, having given notice to treat, attempt to obtain possession of the land by a side wind, by dealing, for example, with a superior landlord or mortgagee with power of sale, will generally be by bill for an injunction to restrain the company taking possession. The danger of not adopting this course is shown by the instructive case of *Hill* v. *Great Northern Railway Company*, 2 W. R. 31. In that case the company required a piece of land charged with two annuities to successive incumbrancers, the first incumbrancer having a power of sale. The company served notices to treat on both annuitants, but subsequently took a conveyance from the first incumbrancer only, under his power of sale. The plaintiff, the second annuitant, thereupon filed his bill, praying that the company might be decreed to pay the arrears of the annuity, and secure the future payments thereof. The Vice-Chancellor Kindersley granted the relief prayed, without deciding whether a bill for specific performance (treating the notice to treat as a contract to purchase) would lie: and he expressed a clear opinion that the landowner might fairly say to the company, "Now that you are in possession of my land, and have defeated my interest, I require you to pay me what you undertook to pay me—viz., the value of my interest, whatever it was at the time you gave me the notice." On appeal, however, the Lords Justices dismissed the bill, intimating that the only ground (if any) on which the plaintiff could be entitled to relief, was on the footing of specific performance of a contract, and that *that* relief could not be granted, as it was not asked by the bill (5 D. M. & G. 66; 2 W. R. 335). Induced probably by the expressions which fell from their Lordships during the appeal, the plaintiff next filed his bill praying specific performance, and inserting such averments as the Court had intimated were wanting. To this new bill the company successfully demurred (3 W. R. 39). It is difficult to see how the company could have met the case if the bill had been in the first instance for an injunction to restrain the company taking possession without paying the value of the plaintiff's interest and carrying out the proceedings under the Act, of which the notice to treat is the commencement. The contest on the part of the company was that the notice to treat operated nothing, as no claim had been sent in by the plaintiff in answer thereto, but this argument, though very forcible as applied to the landowner, the value of whose land is matter of doubt until settled, has no application to the case of an annuitant, the value of whose interest was of course mere matter of computation.

In the first-named of the principal cases it was decided that, until the price has been determined upon, the land is not converted in equity; therefore, there can be no binding contract till then; and in the other, that so soon as this has been done, the contract is complete, and a bill for specific performance will lie.

It may therefore be taken that, though the relative positions of the landowner and the company are in great measure defined, and the subject matter of dispute narrowed to the extent of fixing what land shall be taken, and of leaving it to the landowner's option in what mode the value thereof shall be ascertained, still the notice to treat does not create a binding contract which a court of equity will enforce. This was decided in the case of a landowner's bill in *Adams* v. *London and Blackwall Railway Company*, 2 M. & G. 118, and as against the company the case is obvious; and even where such a notice has been given and acquiesced in by persons having a power of appointment, it does not amount to a defective exercise of the power which the Court will aid against the remainderman (*Morgan* v. *Milman*, 3 D. M. & G. 24; 1 W. R. 134.) The thing to be sold is, however, determined by the notice, and nothing more, but as soon as the contract is completed by fixing also the price to be paid, a bill for specific performance may be supported, either by the company against the landowner (*Regent's Canal Company* v. *Ware*, 23 Beav. 575; 5 W. R. 617), or by the landowner against the company (*Mason* v. *Stokes Bay Railway and Pier Company*, *ubi sup.*), and the Court will not refuse its aid, though the contract was clearly intended to have been worked out under the Lands Clauses Act: (*Inge* v. *Birmingham, &c., Railway Company*, 3 D. M. & G. 658; 2 W. R. 22). Where, however, the company adopts this mode of enforcing its contract, the decree, if the powers conferred by the Act would have served the same purpose, will be without costs (*Regent's Canal Company* v. *Ware*, *ubi sup.*)

The Company there being thus bound by the notice, the landowner must be careful not unwittingly to set the matter again at large by a counter-notice under the 92nd section of the Lands Clauses Act, requiring the company to take the whole of a "*house*" or "*manufactory*," part only of which is comprised in the notice to treat. For while the company cannot recede from their notice (*Sparrow* v. *Oxford and Wolverhampton Railway Company*, 2 D. M. & G. 94), and will be restrained by injunction from taking less than the whole of the land comprised therein (*Barker* v. *North Staffordshire Railway Company*, 2 De G. & Sm. 55), yet where the landowner insists on the company taking the whole of the house or manufactory under section 92, it is open to them to consider this new bargain, and retire altogether from the notice (*King* v. *Wycombe Railway Company* 29 Beav. 104). But the purchase, if carried through at all, must be upon the terms of the counter-notice, and the company will not be permitted to take any portion under section 85 without paying the value of the whole into the bank (*Giles* v. *London, Chatham, and Dover Railway Company*, 1 Dr. & Sm. 456; 9 W. R. 587).

Thus it will usually be expedient for the solicitor of the landowner to consider with care the relations and previous negociations between his client and the company, before serving a counter-notice, and caution in this respect cannot prejudice him, because dealings with the company for the sale of the part comprised in the notice to treat, will not preclude the landowner from insisting on the benefit of section 92, and making a new claim on this footing, at any time before the compulsory powers shall have been put in force, that is to say, in general, before payment into the bank and delivery of the bond under section 85.

But the counter-notice operates not as a determination of the original notice, but only suspends it, and it seems that at any time before the counter-notice is accepted by the company it is open to the landowner to withdraw it and proceed on the original notice, which on such withdrawal would again be operative: (*Pinchin* v. *London and Blackwall Railway Company*, 1 K. & J. 68; 3 W. R. 52).

COURTS.

COURT OF CHANCERY.

(Before the LORD CHANCELLOR.)

July 9.—*In Bankruptcy.—Ex parte Griffiths.—Re Griffiths.*—In this case the bankrupt, a solicitor, of Chipping Camden, had been sentenced by Mr. Commissioner Hill to be imprisoned in Gloucester Gaol for six months, under the Bankruptcy Act, 1861, s. 159. By a decree of the Court of

Divorce in a suit of *Crowther* v. *Crowther and Griffiths*, the bankrupt had been condemned in £4,000 damages. The bankrupt had kept six horses, some of them hunters, and six servants, on what he represented as a very meagre income. Crowther appeared as opposing creditor, and the commissioner made the order now appealed from, on the ground that the debt had been incurred without reasonable expectation of being able to pay, and that the bankrupt had been guilty of gross extravagance.

Mr. *Daniel*, Q.C., and Mr. *De Gex*, were for the appeal; Mr. *Bacon*, Q.C., and Mr. *Eddis*, *contrâ*.

The LORD CHANCELLOR said that neither the court of the commissioner nor this court was a court of criminal justice except as to the penal clauses of the statute. The primary consideration in bankruptcy was the rights of the creditors, and the present order was not of the slightest benefit to them inasmuch as it made no provision for rendering the future property of the bankrupt available for the payment of his debts. He (the Lord Chancellor) could not regard the damages awarded against the bankrupt in the same light as the commissioner had regarded them—namely, as a debt contracted without reasonable probability of the bankrupt being able to pay it within the meaning of the statute. Although the conduct of the bankrupt was very reprehensible, he (the Lord Chancellor) thought the sentence was unusually severe in comparison with sentences generally passed. The moral offence committed by the bankrupt ought not to have been taken into account (by the commissioner), and, therefore, his decision must be reversed, and the bankrupt released. The order of discharge must, however, be subject to the condition that all future acquired property and earnings of the bankrupt, beyond £200 a year, should be available for the creditors until the debts were paid.

CENTRAL CRIMINAL COURT.

(Before the RECORDER.)

July 12.—Walter Antrobus, described as an accountant, was arraigned on an indictment charging him with forging a document, intended to be used in a Court of Record.

The *Solicitor-General* (with whom was Mr. *Sleigh*), opened the case, the facts of which have already appeared in our columns.*

Mr. Carr, Mr. Registrar Keene, and Mr. Miller, a solicitor, were called, and gave evidence substantially bearing out the opening statement of the Solicitor-General.

Mr. *Besley*, for the defence, took a technical objection, but that having been overruled by the Court, he addressed the jury on the facts. He argued that the Bankruptcy Consolidation Act of 1861 was passed partly with the view of affording a cheap and speedy mode to persons in embarrassed circumstances, and with small assets, of compounding with their creditors, and enabling them to start afresh in the world; that such persons were not always able to employ a solicitor, and were therefore but too ready to avail themselves of the services of men like the prisoner, who were not expressly prohibited from transacting such business; that the prisoner had only sought to conduct the business economically, and that there was no evidence of any intention to defraud anyone except Mr. Carr, but as that was only of the trumpery sum of 1s. 6d., the amount of his fee for re-swearing the affidavit, and as the the Solicitor-General had stated that that of itself would not have induced him to undertake the prosecution, the offence at most was only a venial one.

The jury returned a verdict of Guilty, with a recommendation to mercy.

Mr. *Besley* said the prisoner had already been five weeks in confinement.

The RECORDER, in passing sentence, said the great object of the prosecution was to make known that an offence of this kind could not be committed with impunity, though it was very different from a forgery in the ordinary sense committed in a great commercial community. He sentenced the prisoner to two months' imprisonment, with hard labour.

—— Thomas Parker, a solicitor, pleaded Guilty to a common law offence, of a somewhat similar nature. The facts connected therewith are already known to our readers.†

Mr. *Lilley* addressed the Court in mitigation of punishment.

Eventually, with the consent of the *Solicitor-General* and Mr. *Sleigh*, counsel for the Crown, the prisoner was discharged, on entering into his own recognizances in £100, to appear and receive judgment, if called upon.

* 8 Sol. Jour. 655. † 8 Sol. Jour. 665.

GENERAL CORRESPONDENCE.

MANORIAL RIGHTS.

Sir,—Over a manor in one of the Midland counties the lord claims the right of shooting, without regard to the wishes of the owners of land within the manor. This right (if it ever existed) has not been exercised for at least half a century. Will any of your correspondents inform me whether the right has lapsed, and if so, furnish a reference on the subject.

ENQUIRER.

LAW REPORTING.

Sir,—In consequence of a statement made in the *Law Times* of to-day, I have thought proper to send the Editor a letter, a copy of which I inclose.

As I do not wish any misapprehension to be entertained with respect to the very simple act on my part at the bar meeting in question, I shall be glad if you will find room for this letter in your next publication.

Temple, July 9. CHARLES WORDSWORTH.

[INCLOSURE.]

Sir,—In your remarks on the meeting of the Bar, contained in your paper of to-day, you say, "Mr. Wordsworth came to their rescue and proposed an adjournment."

An inference may possibly be drawn by your readers from the words I have quoted, that I was connected in some way, or concerned with others, in proposing the scheme laid before the meeting by Mr. Amphlett.

Allow me to say that it is not so; that I had never heard of the scheme until I received a printed report or statement a few days before the meeting; that I formed an opinion quite adverse to it; that I got up to propose an adjournment, without suggestion or request from any one, solely and merely because I thought the scheme a complicated one, and sufficient time had not been given for forming a proper judgment on it; that I did not get up to propose an adjournment until the last possible moment—viz., *after* the Attorney-General had read the words of Mr. Amphlett's resolution proposing the scheme for adoption; and that I verily believe if such adjournment had not then been proposed, the resolution, founded upon the committee's report, would have been carried.

I request you will be good enough to insert this letter in your next number.—I am, sir, your obedient servant,

Temple, July 9, 1864. CHARLES WORDSWORTH.

The following circular has been forwarded to us for insertion:—

I think it is due to the Bar that I should state my reasons for not concurring in the report of the committee on law reporting, of which I was nominated a member. The joint proposal of Mr. Serjeant Pulling, Mr. Westlake, and myself, mentioned in the report, does not in every particular represent my views. I agreed to some alterations for the purpose of securing the co-operation of those gentlemen.

It appears to me that the essence of all that is practicable by way of amendment of the present system of law reporting is comprised in the three following propositions:—

1. That all judgments of the superior courts should, as far as practicable, be written.
2. That all judgments of the superior courts, not committed to writing before delivery, should be committed to writing under the authority of the Court as soon as possible after delivery.
3. That access to all the judgments of the superior courts should be afforded to every member of the profession as speedily and cheaply as possible.

I moved resolutions to this effect before the committee, but the first being negatived, I withdrew the others.

The judgments of the courts make the law. This alone is a sufficient reason why their preservation should not be left, as at present, to the care of any reporter who may chance to be present.

Accuracy is evidently the first requisite. To secure this the best means should be adopted. Writing evidently secures accuracy better than speaking. But if a judgment must needs be spoken, a report of it, made by a practised shorthand writer, and perused and signed by the Judge, appears to me to be the next best means of securing accuracy.

Speedy and cheap access to the judgments, when once they are accurately recorded, is evidently best obtained by their being printed as soon as possible, and published at the lowest price that will cover the expense of their publication.

Reporting, as now used, is a complex operation. It comprises an accurate statement of the judgment, so far as the reporter's means and opportunities may allow; but it includes also selecting, digesting, and abstracting, so as to present in a readable form the decisions of such cases as the reporter thinks worthy of publication.

The great mass of materials is an evil that can never be overcome. No one can prevent two persons from going to law about any matter whatever; and, if they do, a decision more or less valuable must be the result.

I think that the present reporters exercise functions which ought to be separated. So far as they aim merely at an accurate report of the judgment, their functions appear to me to be such as would be more properly discharged by an official person. So far as they select, digest, and abstract, so far, I think, should their duties be open to competition. The records which form the sources of history are all officially preserved; but history itself is written by individuals, whose success is proportioned to the ability they display in selecting and digesting.

The scheme recommended by the Committee proposes to unite functions which, I think, should be kept separate. The proposed incorporation of a new body by letters patent or Act of Parliament appears to me to involve a constitutional change far too important for the evils complained of. But my main objection is, that it does not strike at the root of the evil, which lies in the want of an accurate official record of every judgment pronounced by the Courts.

JOSHUA WILLIAMS.

3, Stone-buildings, Lincoln's-inn, July 6, 1864.

COURT OF ADMIRALTY.

Sir,—As your correspondent "*In rem.*" is evidently unaware that the number of summonses in chambers in the Admiralty Court only amounts to seven or eight a-week, perhaps you will kindly allow me to inform him, through your paper, that such is the case, and I am sure he will then acknowledge that it would be unnecessary for the judge to sit oftener than once a-week. I enclose my card, and remain, sir, your obedient servant, IN PERSONAM.

Dulwich, July 13.

APPOINTMENTS.

ROBINSON FISHER, Esq., of the Inner Temple, and Northern Circuit, to be stipendiary magistrate at Manchester, *vice* Mr. Ellison, promoted.

Mr. C. F. HALL, magistrate of Allygurh, to be assistant-superintendent to Deyrah Doon. Mr. R. J. LEEDS, assistant-magistrate in the Meerut division, to be transferred to Moosufferuggur. Mr. C. N. POCHIN to be acting joint magistrate of Madura; and Mr. W. F. HATHAWAY to be acting joint magistrate of North Arcot.

J. R. BULWER, Esq., and JOHN T. ABDY, Esq., have been appointed to the two revising barristerships recently vacated on the Norfolk Circuit.

STEPHEN WILLIAMS, of No. 16, Bedford-row, in the county of Middlesex, gentleman, to be a Commissioner for taking oaths in Chancery in the County Palatine of Lancaster.

PARLIAMENT AND LEGISLATION.

HOUSE OF COMMONS.

Monday, July 11.

TRANSFER OF LAND, IRELAND.

The ATTORNEY-GENERAL FOR IRELAND in reply to Mr. Monsell, said he trusted next week to bring in a measure in reference to this subject.

COURT OF CHANCERY (IRELAND) BILL.

The ATTORNEY-GENERAL FOR IRELAND said he had come to the conclusion to withdraw this measure, as the obstruction it had met with precluded the possibility of passing it through both Houses of Parliament in the present session, but he would introduce it at the earliest period next session.

Wednesday, July 13.

JERSEY COURT BILL.

Upon the order for resuming the adjourned debate upon this bill,

Mr. AYRTON said he was aware of the difficulty there would be in proceeding with this bill, but he thought the House ought to have some distinct statement of the intentions of the Goverment.

Mr. SCLATER-BOOTH urged upon the Government the duty of dealing with this subject.

Mr. T. G. BARING said the attention of the Secretary of State would be seriously given to the subject.

Mr. LOCKE would not press the bill, but he hoped that the Government would do more than consider the subject, and that in the next session they would be prepared to deal practically with it.

Mr. S. ESTCOURT thought it was desirable that the States of Jersey should themselves take up the question, and he hoped that they would do so before next session.

The order was then discharged and the bill dropped.

INSOLVENT DEBTORS BILL.

The House having gone into committee upon this bill,

The ATTORNEY-GENERAL appealed to the hon. member for St. Ives not to proceed further with the measure in the present session. The bill related to a subject which was included in a measure proposed by the Lord Chancellor to the other House, and which measure had been withdrawn in consequence of objections that were made to certain portions of it. The Lord Chancellor intended to consider whether a bill might not be framed which would put an end to the injustice which now existed, without being open to those objections. He, therefore, moved that the chairman do leave the chair.

Mr. HORSFALL said that a very strong remonstrance had been sent from Liverpool against this bill.

Mr. MALINS also recommended that the bill be withdrawn; but, at the same time, expressed his earnest hope that next session an effective measure would be introduced to put an end to grievances which were admitted to exist. He was opposed to imprisonment for debt in any form; and in the case of small debtors especially, imprisonment was often ruinous to the debtor, and was seldom or never beneficial to the creditor.

Mr. J. A. TURNER, Mr. BEECROFT, and Mr. CLAY stated that they had received strong remonstrances from their constituents against the bill.

Mr. AYRTON was sorry to find that the Government were not prepared to support this bill, which only proposed a simple act of justice to the people, and ought not to be rejected solely because Chambers of Commerce, which had obtained a bankruptcy law to their liking, objected to a measure which would benefit other classes.

The ATTORNEY-GENERAL said it was not fair to impute to the Government that they were opposed to the principle of the bill, as the Lord Chancellor's bill included the same principle as was contained in this measure.

Mr. PAULL regretted that he was now unable to proceed with the bill. Unless, as he hoped, the Government would undertake to deal with the subject, he should reintroduce the bill early next session.

The motion was then agreed to, and the bill was dropped.

PETTY OFFENCES LAW AMENDMENT BILL.

Mr. WHALLEY, in moving the second reading of this bill, said its main object was to be found in the first clause, which provided that "in all cases where any person shall be charged with any offence punishable by summary conviction before justices of the peace or a magistrate, the person so charged, and his wife or her husband, as the case may be, shall be competent to give evidence on the hearing of such charge." As the evidence of parties was admissible in civil causes, there could be no objection to extend the practice to petty offences. Cases sometimes occurred in which the police exceeded their duties, and it was only right that the parties accused should be allowed to state facts. The second clause in the bill provided, that where the charge should consist wholly or mainly in annoyance to the public or to individuals, other evidence than that of the police should be adduced.

The SOLICITOR-GENERAL thought this was a bill which the House could not sanction. If criminals were allowed to give evidence on their own behalf, they must be liable to be cross-examined against themselves. Then, if it was enacted that a criminal might give evidence, the practical effect would be that he must give evidence, or his abstaining from doing so would be construed in his dis-favour. The second section was very remarkable. He would like to know what annoyance to an individual meant. If a man was robbed of his money, that would be an annoyance, and so again if he were assaulted. The clause was so worded that a gang might set upon a policeman alone and nearly kill him

and there would be no evidence against them. Then there was a clause giving to policemen power to determine what sum of money should be deposited with them by a prisoner to insure the appearance of the latter to answer a charge. That provision was objectionable, and, as he did not think the bill was desirable, he moved that it be read a second time on that day three months.

Mr. HADFIELD supported the bill.

Mr. WHALLEY thought the hon. and learned gentleman, the Solicitor-General, had not fairly represented the nature of the bill, but, in deference to the general feeling of the House, he would not trouble them to divide.

The amendment was agreed to, and the bill was consequently lost.

Thursday, July 14.

COURTS OF JUSTICE (MONEY) BILL.

In answer to a question from Sir J. SHELLEY,

The ATTORNEY-GENERAL said it would be impossible to carry this bill through the House at this late period of the session, unless with the general good-will of all. He regretted to find that the Society of Lincoln's-inn had come forward as petitioners against it, and that his hon. and learned friend the member for the University of Cambridge had undertaken their cause, as before. The Government, therefore, would not be justified in asking the House to devote its time to the further consideration of the measure at present. He would undertake, however, that the bill should be introduced at the earliest possible period next session.

IRELAND.

WILLIAM COLLETT REYNOLDS *v.* GRAHAM LEMON.

This case, of which we gave a *resumé* last week,* was resumed at the sitting of the Court.

Mr. Reynolds, in answer to the Chief Baron, said he had entries in his ledger of the payments made on account of Goffin & Co.; in his own private ledger, which would be produced, this transaction with Mr. Kauffman was entered; the acceptances given by Kauffman were placed to the credit of Goffin & Co., but when the £860 was written off, that appeared in Mr. Kauffman's account with him (witness); he further stated that he was ultimately responsible to Goffin & Co. for Kauffman's debt. At the time he received the £2,000 bill from Kauffman he had not the least suspicion that there was anything wrong. He had faith in the representations of Kauffman that Lemon was going into the Fergus affair. If there was any loss on the transaction, he would have no right to charge any portion of it to Goffin & Co., or Palmer.

William Thomas Tinewall said that he got the first order for the cement from Kauffman on the 26th of June, 1863; had known Kauffman a month or six weeks before; had solicited the order from him.

Q. Before you finally took the order from Kauffman did you communicate with Mr. Reynolds? *A.* I sent the order directed to him.

Q. Had you yourself any previous transactions with him? *A.* No, I had not.

Q. Had you ever heard that he was a swindler or a cheat? *A.* No; I was introduced to him by a Mr. Moses at 14, Union-court, Gresham-street, near the Bank of England; that order, so far as I am concerned, was honestly sought for and supplied; it was for 1,000 kegs of cement at 2s. 9d. each; I knew the quality of that cement, which was very good indeed.

At this stage of the proceedings,

Mr. Serjt. *Armstrong* announced that the case had been arranged. It was of the utmost importance to Mr. Lemon that his real position as a commercial man, and as a solvent man, should appear upon his own oath. That had been done, and Mr. Lemon had been relieved from imputations to his disadvantage and prejudice, and, to a certain extent, with interference to his credit. On the other hand, the plaintiff and his advisers felt that Reynolds had fairly and honestly explained his share in the transaction, and the result was that they consented to a verdict for the plaintiff for £450, in full of all demands, without costs, the plaintiff reserving to himself the right of proceeding against any other person as he might be advised.

Mr. Serjt. *Sullivan*.—I may say, having regard to his examination in that box—having regard to the length of time this action has been pending, and to the exertions made to discover a single blot upon his character or conduct,—that the result of his examination, and of all the evidence, has satisfied every reasonable man that Mr. Reynolds leaves this court with his character perfectly untouched and unsullied.

The CHIEF BARON.—I very rarely express my own opinion upon a case, but I think I would not do my duty if I did not state what my impression is now of this case. In the first place, I think I have never known an inquiry of any kind that so completely absolved an individual connected with it from all shadow of imputation as this inquiry has absolved Mr. Lemon. With respect to Mr. Reynolds, if this question had been left for me to determine, I should, without the slightest hesitation, have found in his favour. I make that statement from the character he has had as well as from what has occurred in this case. A gentleman, who for thirty-six years has been a practising solicitor in Yarmouth—the grandson of a person with whom he had been several years partner—a gentleman who has been three times selected as chief magistrate of his own town, once before the change in the old corporation, and twice since;—that gentleman, who is of the very highest respectability, has pledged his oath to the honour and honesty of Mr. Reynolds; and I confess that the result upon my mind is that Mr. Reynolds leaves this court without the slightest shade of a charge or imputation upon his conduct. The case was a singular one, resulting from the deception practised on both parties by persons not here upon their trial.

Mr. *Sidney*, Q.C.—They were both the victims of fraud.

The jury then found for the plaintiff, by consent, upon all the issues for £450, without costs.

Mr. Serjt. *Sullivan*, Mr. *Exham*, Q.C., and Mr. *Wheeler*, appeared for the plaintiff; Mr. Serjt. *Armstrong*, Mr. *Sidney*, Q.C., Mr. *Dowse*, Q.C., and Mr. *Purcell*, for the defendant.

* 8 Sol. Jour. 730.

SOCIETY OF ATTORNEYS AND SOLICITORS OF IRELAND.

A general meeting of this society was held June 25, in the Solicitors' Hall, to consider the bills for the amendment of the practice of the Courts of Chancery and Common Law in Ireland.

The chair was taken by THOMAS R. ORPEN, Esq.

Mr. John H. Goddard, secretary, having read the requisition requesting the council to call the meeting,

Mr. ELLIS said that, having drawn up the requisition, he wished to repudiate the idea that the requisitionists had been actuated by any such idea as that of want of confidence in the council, or feeling of hostility towards them. At the last general meeting he happened to ask a question in reference to the Chancery Bill then before Parliament, but was called to order, and all information was refused to him. With respect to the Chancery Bill, they were interested in only a few parts of it—namely, those having reference to the practice of the court, and the appointment of vice-chancellors and the chief clerk. As to one Vice-Chancellor being able to transact the same business that was at present done by three Masters, he was satisfied that no man would contend for a moment that it could be done even with the aid of a chief clerk. Besides, they could at present go the masters at all times and speak to them as to matters pending before them; but such a mode of transacting business would not be consistent with the dignified position of a Vice-Chancellor.

The CHAIRMAN said that the council had referred the Chancery Bill to a sub-committee to report on, and, on that report, suggested a great number of amendments beneficial to the profession, almost every one of which, he believed, had been adopted by the promoters. That the council approved of the principle of the bill, which he took to be the appointment of vice-chancellors, and that they should have chief clerks, who should be attorneys.

Mr. ELLIS moved the following resolution:—"That inasmuch as the bill introduced by the Attorney-General to alter the constitution and practice of the Court of Chancery in Ireland is of the first importance to the public, and its provisions require the most mature consideration, we are of opinion that it ought not to be hurried through Parliament at this advanced period of the session, especially as there is no pressing necessity for the proposed change." Whatever opinion the council might have lately formed on the subject, it was not always their opinion. They had said that in its general bearings the Irish Chancery Regulation Act of 1850 had worked well for the public, and had facilitated and cheapened proceedings; and they ended by suggesting that the members of their profession should be more liberally paid in Ireland. The profession were now called on to give a silent assent to the present bill without knowing what it was that had changed the minds of the council. The system of taking evidence *ex parte* before a master's examiner had been condemned; it was virtually given up under the Act of 1850; yet it was to be

renewed under the present bill. If the law courts of the United Kingdom were to be centred in London, and our courts here were to be done away with, that would be facilitated by having the practice uniform between the two countries. He thought the English system of practice in many things inferior to our own. Mr. Longfield had given notice of an amendment in the bill, which was that the chief clerk need not be a solicitor, and that he should be removable at the pleasure of the judge. Was the cause of the change in the opinion of the council that they were to have higher fees? There was nothing about the assimilation of their fees to those of English professional men in the bill; and he thought such a thing would never take place, because the people of this country would not be able to pay fees on the English scale. But the present bill would increase the expenses of the client. Business which was done at present before the Masters by members of the Junior Bar would inevitably pass into the hands of leading Queen's counsel, if the tribunals should be changed into Vice-Chancellors' courts.

Mr. FOLEY seconded the resolution.

Mr. SHANNON said he had come to the conclusion on the evidence given in the appendix to the report, that the principle of the bill was a sound one, but that the measure, as introduced, contained some objectionable features, which must be altered before he could give it his entire approval. After observing on the evils now existing in the Chancery system of procedure, as well as on the common law side, that demanded immediate redress, Mr. Shannon concluded by moving the following amendment:—"That, approving of the principle of the Chancery Bill of 1864, we are of opinion that every facility ought to be afforded to its becoming the law of the land, subject to certain modifications in details, the arrangement of which we confide to the council."

Mr. WALSH seconded the amendment.

Mr. LITTLEDALE, a member of the sub-committee of the council, to whom the question of the commissioners and the draft bill were submitted, said, he thought the more convenient and proper course was to leave the matter entirely in the hands of the council, who were perfectly competent to deal with it. The report to which Mr. Ellis referred contained the answer of Mr. Hugh Law, which he thought was conclusive as to the principle of this bill. He said, "I would earnestly recommend that the system of procedure, as a whole, should be made identical with that of the English courts of chancery. There is nothing whatever to justify the continuance of a distinct and separate system. I would submit that, even if our system of procedure were in itself as good as the English, it must be less satisfactory and efficient by the mere fact of its being different, for we are thus deprived of all the assistance which the English reports and text-books would otherwise afford us, and this is much more than enough to counterbalance any small merits our system may be supposed to possess; but in truth the English system of Chancery procedure appears to me to be, in all important points, greatly superior to ours, and therefore I would gladly see it entirely adopted here, and wait for such an improvement in the common system as the experience of both countries may from time to time suggest." This bill consisted of 192 sections, everyone of which was copied from a section of a corresponding act in England. With regard to the question of fees, everyone acquainted with the matter knew that the remuneration to solicitors was miserably inadequate, and was not in the same ratio of the expenses that the suitor was put to. He believed the present system was unnecessarily expensive, and he thought that the judge in whose office or court a case originated should carry it on from first to last. He believed that the mixture of jurisdictions in the Master's offices under the present system had worked nothing but mischief. He had observed the working of the English system in the Vice-Chancellors' Courts and in the offices of the chief clerks, and nothing could be more satisfactory.

Mr. JOHNSTON had no doubt that the new chancery bill would be a valuable improvement in our present system of jurisprudence, and he thought it was the duty of the profession to do everything in their power to facilitate the passing of so admirable a measure.

Mr. DIX (a member of the sub-committee of the council) said that the great evil of the present system was the want of uniformity in the decisions of the masters. No one knew what the chancery practice was at present. We might now be said to have five vice-chancellors, all acting on different rules, the inconvenience of which must be at once apparent. The present system had been in operation fourteen years, and the result had been that it had been found wanting. The changes made by the bill now before Parliament would elevate the social *status* of the profession, and effect a great improvement in the administration of the law.

Mr. ELLIS having said a few words in reply, the amendment was put and carried unanimously.

FOREIGN TRIBUNALS & JURISPRUDENCE.

FRANCE.

Our readers will not have forgotten the domiciliary visits to which a number of the leading gentlemen at the French bar have been lately subjected, and in reference to which we lately * announced that that body contemplated serious remonstrance with the Government. It appears from the following letter, which has been widely circulated, that the offence, or supposed offence, of these gentlemen consisted in their action with respect to the recent changes in the electoral law:—

"To Messrs. Carnot and Garnier Pages, Deputies of the Legislative Body; Corbon, Ex-representative; Herold and Herisson, Barristers of the Court of Cassation; and Clamageran, Dreo, Durier, Ferry, and Floquet, Barristers.

Paris, July 9, 1864.

"Dear Colleagues and Friends,—Like you, members of the Electoral Committee for 1863, we feel bound to inform you that we understand neither the prosecution directed against you, nor the exception which, till now at least, has left us unimplicated in the legal proceedings.

"The preliminary inquiry continues. We have not been summoned even as witnesses. We can no longer keep silent.

"Devoted to electoral and to every other kind of liberty, we shall not cease to claim that which is wanting to us, and to use, like you and with you, that which we hold from the law.

"MARIE, Deputy to the Legislative Body.
"JULES SIMON, Deputy to the Legislative Body.
"ED. CHARTON, Ancient Representative.
"HENRI MARTIN."

Although the General Councils (*départemental*) are forbidden by law to apply themselves to politics, it is well known that a certain latitude is granted to them in this respect, according to circumstances. The *Courrier de St. Etienne* states that the prefects have received orders not to permit the General Councils to express this year any wish in connection with politics.

SOCIETIES AND INSTITUTIONS.

INCORPORATED LAW SOCIETY OF THE UNITED KINGDOM.

The annual general meeting of the members of this society took place on Friday, the 8th inst., at their Hall, in Chancery-lane, London. The chair was taken by James Leman, Esq., the President. The minutes of the last general and special meetings having been confirmed, the president stated the vacancies in the council. Mr. Edward Savage Bailey was elected President, and Mr. William Williams, Vice-president of the society; Mr. Alfred Bell, Mr. Francis Thomas Bircham, Mr. John Henry Bolton, Mr. John Clayton, Mr. William Strickland Cookson, Mr. Bartle John Laurie Frere, Mr. George Burrow Gregory, Mr. Joseph Maynard, Mr. William Murray, M.P., and Mr. John Hope Shaw were re-elected members of the council. The following gentlemen were elected auditors of the accounts of the society:—Mr. John Moxon Clabon, Mr. Frederick Maples, and Mr. Charles James Palmer.

The report of the council was approved.

The report of the auditors of the accounts of the society was also approved.

A discussion then took place with reference to the existing practice on appeals from the decision of the taxing-masters of the Court of Chancery, and the following resolution was passed:—"That having regard to the heavy expenses incurred in all attempts to correct any miscarriage of the taxing masters of the Court of Chancery, this meeting is of opinion that it would tend to the benefit alike of suitors and solicitors, that the practice should be assimilated as near as may be to the practice of the courts of common law—viz., by an application to a judge at chambers."

* 8 Sol. Jour. 668.

The thanks of the meeting were presented to the president for his able conduct in the chair.

The following contains the substance of the report of the council, which was transmitted to the members before the introduction into Parliament of the Courts of Justice (Site and Money) Bills.

I.—Alterations in the Law and Bills in Parliament.

In submitting to the members of the society their annual report, the council propose to notice, very briefly, such matters of public import as appear to them to affect the interests of the profession.

The measures of legal reform introduced into Parliament during the present session have not been many in number.

Some bills, however, were brought before Parliament, which, from their importance to the profession and the public, appear to the council to demand something more than a passing notice.

One of these is a bill introduced into the House of Commons by Mr. Hadfield, the short title of which is "The Judgments, &c., Law Amendment Bill."

The object of this bill appears to be to give to a judgment the same effect on real estate as that which it has upon personal estate—that is, to deprive the judgment of all operation as an incumbrance or charge on hereditaments, until they are seized by the sheriff under an execution.

The bill, as might have been anticipated, was referred to a select committee, and in the interval between the appointment of the committee and its first meeting, the council gave the bill much and serious consideration.

The council, with the assistance of a member of the bar, prepared a series of observations on the law of judgments, which were printed, and submitted to each member of the select committee.

In these observations the council aimed to give, concisely and clearly, a history of the law of judgments, the legal anomalies in the existing law, and the practical inconveniences arising from it; and it was submitted that the Legislature should first determine whether it is advisable that judgments should be maintained as a security upon land, for if that question were decided in the negative, and the security afforded by judgments was to be abolished, it would be unnecessary to do more than enact that in no case should any judgment, recognizance, statute, or Crown debt, affect land, of whatever tenure, as against a mortgagee or purchaser for value, whether he had or had not notice thereof.

But if, on the other hand, the question were decided in the affirmative, and the security of a judgment was not to be abolished, the following improvements of the law were suggested:—

1. The confusion and obscurity of the existing system should be got rid of by a consolidating statute, which should remove contradictions and inconsistencies, and do away with the multiplicity of the provisions now in force.

2. All charges upon land, in the nature of judgments, recognizances, statutes, or Crown debts, should be placed upon a single register, or on separate registers, to be searched at the same office.

3. The registration should be in the name of the person whose interest in the land is to be affected.

4. The judgment or other charge, when registered, should bind every interest in the land of the judgment debtor, of whatever quality, dignity, or tenure, for a time to be specified (say five years), to be renewed or extended by re-registration.

5. Registration should in all cases amount to notice, whether the purchaser or mortgagee search the register or not.

6. A reasonable interval should be allowed between the search and the completion of the transaction, so that no purchaser or mortgagee should be affected by any charge registered within (say) forty-eight hours of the completion of the purchase or mortgage.

The council have had the satisfaction of learning that these observations were found by the select committee to be very useful to them in the prosecution of their labours; and the observations have been printed *in extenso* in the appendix to the report. The report recommends that an early opportunity should be taken of consolidating the existing law relating to judgments and other incidental charges on land. The committee observe that the statutes now in force, relating to these matters, amount to at least twelve in number, and in order to arrive at the rights of a purchaser, without notice, the law, as it stood before the year 1837, has on each occasion to be ascertained. That this can only be done by laborious study, and is throughout surrounded with doubt and difficulty. That with regard to future judgments, recognizances, Crown debts, *lites pendentes*, bankruptcies and insolvencies, the committee are of opinion that they should no longer create a lien on the land till the land is actually taken in execution by the sheriff, coronor, or other legal authority, and that, until this is done, the land should be capable of sale and mortgage, as effectually as purely personal estate.

The committee are also of opinion that it is deserving the consideration of Parliament, whether some more ready means cannot be devised for enabling lands to be taken in execution than is at present afforded by the writs of extent or *elegit*; and that this should be done by enlarging or accelerating the legal or equitable remedies to which it is now competent to the judgment creditor to resort.

County Courts Acts Amendment Bill.—This bill was introduced by the Lord Chancellor in May last; and as its enactments related to subjects peculiarly within the knowledge of a large branch of the profession, the council thought it right to give much attention to it.

The principal object of the measure, as shown by the Lord Chancellor's speech on introducing it, and the arrangements of its clauses, were to shorten the period allowed for bringing actions or levying execution for debts not exceeding £20; to take away imprisonment or committal for debts under £20; and to force into the County Courts all proceedings for debts under £20; and in compensation for the abolition of imprisonment, to give to the county courts many of the powers of a court of bankruptcy over judgment debtors. It also proposed to give to the county courts a jurisdiction (within certain limits as to amount) in all matters, with some few exceptions, that may now be the subject of a suit in the Court of Chancery.

Several of the changes in the law proposed to be made by the bill appeared to the council to be highly objectionable; while others, though possibly intrinsically good changes, were such as might be expected to cause dissatisfaction to large classes of the public.

The power possessed by the county courts of imprisonment or committal for very small debts, after that power had been taken away in respect of such debts from the superior courts, had been undoubtedly one cause of the popularity enjoyed by the county courts throughout the country. The provisions in the present bill for abolishing or limiting such power, would be sure to create a ferment among creditors who had hitherto exercised the power of obtaining imprisonment of their debtors for the smallest sum. The alteration of the limitation of actions from six years to one year, would be most injurious both to debtor and creditor, though it might have benefitted a part of the legal profession by driving creditors to resort more speedily to legal proceedings. Petitions from the country poured into Parliament against these clauses.

The council, however, did not feel it to be within their province to express an opinion on, much less to offer opposition to, such proposed changes in the law as these, which were more for the public to decide on or deal with than the profession of the law.

To other clauses in the bill, proposing to give increased powers or facilities to county courts for procuring or enforcing payment of judgment debts, the council did not feel that there was in principle any objection, although the details of the bill on this subject were capable of much improvement, and required considerable alteration.

The clauses in the bill which tended compulsorily to drive suitors into the county courts, and to deprive them of their right to resort to the superior courts, appeared, however, to be such as a body representing the legal practitioners of the country, and well acquainted with the working of each system, were justified in remarking on. These clauses the council thought very objectionable, as it had been repeatedly made to appear most clearly by a comparison of the costs of proceedings for small sums in the county courts with those in similar actions in the superior courts, that the costs in the latter courts are, in many instances, less than those in the county courts, while the injustice of compelling a plaintiff, who may prefer a superior to an inferior tribunal, to resort to the inferior, is obvious.

To the clauses in the bill which proposed to give an extensive equitable jurisdiction to the county courts, thus effecting a great change in the law procedure of the country, the council also directed their attention, as the probable effect of those clauses lay peculiarly within the knowledge possessed by practising solicitors; and they entertained serious doubts whether the tribunals to which it was proposed to transfer such business, or the staff and machinery attached to them, would be found

such as could conduct the business so as to give satisfaction, and do justice to the parties interested.

The council embodied their observations on the measure, including their objections to the compulsorily forbidding resort to the superior courts, and to the giving an extensive equitable jurisdiction to the county courts, in a statement which they forwarded to the Lord Chancellor, and the other law lords, and copies were sent to the various provincial law societies.

The result of the opposition and objections made to the bill from various quarters has been, that the bill was withdrawn by the Lord Chancellor.

The council have also considered the following bills during their progress in Parliament:—

Appeal in Criminal Cases Act Amendment Bill.
Attorneys and Solicitors' Remuneration, &c., Bill.
Costs Security Bill.
Court of Chancery—Dispatch of Business Bill.
Insolvent Debtors' Bill.
Leases and Sales of Settled Estates Act Amendment Bill.
Married Woman's Acknowledgment Bill.
Mortgage Debentures Bill.
Partnership Law Amendment Bill.
Railway Companies' Powers Bill.
Railways Construction Facilities Bill.
Settled Estates Act Amendment Bill.

II.—Practical Amendments.

Law Reporting.—In December last a general meeting of the Bar was held in Lincoln's-inn Hall for the purpose of taking this important subject into consideration, when it was referred to a committee of the Bar to consider the present system of law reporting, with a view to its amendment.

A communication was subsequently received by the council from the bar committee, inviting observations on the advantages or disadvantages of the existing system of law reporting, and suggestions either as to the principle or details of any amendment which might be thought desirable.

The council proceeded to appoint a committee of their body to consider and report on the subject, and the question, which was found to be surrounded by numerous difficulties, was repeatedly discussed by the council.

Eventually the council prepared observations which were transmitted to the bar committee on the 11th April last, and, as they are not of inconvenient length, the council have set them forth in the appendix to the present report.

Attorneys resident in the Country practising in the Courts at Westminster.—The attention of the council has been directed to a case which involved the question whether an attorney carrying on business at a greater distance than ten miles from the General Post-Office could practise in the courts of common law at Westminster, without complying with the requirements of the 165th rule of Hilary term, 1853, by which any attorney, residing within such ten miles, is required to enter in a book kept in the master's office his name and place of business, or some other proper place, within three miles of the General Post-Office, where he may be served with pleadings, notices, proceedings, &c.

After giving the subject the fullest consideration, it appeared to the council that there was no rule or even practice in existence which rendered it obligatory on an attorney practising in the superior courts, while residing beyond the limit of ten miles, to comply with the requirements of the 165th rule, by either having an office within the ten miles, or employing a London agent; although it was probable that in cases of manifest inconvenience, the Court would compel him, in any particular case, to name a place within a convenient distance from the court where notices and proceedings might be served on him.

Under these circumstances the council addressed a communication to the judges, with a view to having the 165th rule amended in such a manner as would require every attorney, wherever resident or carrying on business, who might practise in the superior courts of common law, to have some place of business or authorised agent within the distance of three miles from the General Post-office, where pleadings, rules, notices, and other proceedings might be served on him.

The council were subsequently favoured by a communication from the Lord Chief Justice of the Common Pleas, approving of the suggested change, and requesting that the council would frame a rule on the subject for consideration by the judges. The form of such rule was thereupon drawn up by the council and transmitted to the judges; and although a rule has not yet been made, yet there is no doubt that it will receive full consideration, and in the end obtain the necessary approval and signature. The council will continue to pay attention to it.

Applications for review of Taxation. — Representations having been made to the council as to the unnecessary expense incurred in appeals from the decisions of taxing-masters in chancery, the council suggested to the Lord Chancellor the propriety of issuing an order directing that any application for the review of a taxation should be made, not as at present, by petition, but by summons before a judge at chambers, according to the practice now established in the courts of common law.

At the same time the council pointed out the inconvenience caused by the practice of applying by petition for taxation under the 6 & 7 Vict. c. 73 (the Attorneys' Act, 1843), and recommended, for his Lordship's consideration, an order authorising applications for this purpose to be made by summons at chambers.

In suggesting these amendments the council were desirous of extending the practice of applying in the first instance to a judge at chambers, with respect to all matters which can be properly conducted by solicitors without the aid of counsel—a practice which they believe to save a great expense, and to be productive of much benefit to the suitor; at same time they do not wish to interfere with the power of the judge to direct any matter to be adjourned into and heard in court, if he should think proper.

Chief Clerk at the chambers of the Master of the Rolls.—In deference to the wishes of many members of the profession, that the vacancy in the chambers of the Master of the Rolls, occasioned by the removal of Mr. Arthur Buckley to the Chambers of Vice-Chancellor Kinderaley, consequent upon the death of Mr. Charles Pugh, should be filled up, the council communicated with the Master of the Rolls on the subject, and urged him to exercise his influence in procuring the appointment of some gentleman to fill the vacant office.

In making this request the council felt that the interests of the public ought not to be prejudiced by any diminution of the staff of officers attached to a court in which a large amount of business has hitherto been expeditiously and efficiently transacted.

III.—Concentration of the Courts and Offices.

This subject has continued to engage the careful attention of the council. Having ascertained in the month of November last, that the commissioners of her Majesty's Works and Public Buildings had, in redemption of the promise given by the government during the preceding Session of Parliament, caused plans to be deposited, and the requisite notices to be served, with a view to the re-introduction, in the present session, of the bill for the purchase of the Carey-street site, recommended by the Royal commissioners in the year 1860, the council anxiously awaited the introduction of such bill, together with that for providing funds for carrying this important object into effect.

So much hesitation, however, appeared to exist on the part of the Government in introducing the necessary measures that, in the month of March last, the council addressed a communication to the First Commissioner of Works on the subject, and were informed by him, in reply, that it was then under the consideration of the Lord Chancellor.

Shortly afterwards, at the suggestion of his Lordship, a scheme was prepared for his consideration, and that of her Majesty's Government, for providing the requisite funds, without imposing any permanent burthen on the State, and the council were led to believe that, on the basis of this scheme, a measure would be prepared by the law officers of the Crown, and be brought into the House of Commons with the utmost dispatch. These expectations, however, were not realised, and the council felt it their duty to present a petition to the House of Commons, in the name and on behalf of the society, pointing out the serious mischiefs and inconveniences arising from the present defective state of the courts and offices, which had been so repeatedly recognised by select committees of the House of Commons, and so fully pointed out in the report of the Royal commissioners, and praying the adoption of prompt and effective measures for correcting the evils complained of.

The petition was presented to the House of Commons by Mr. Murray, one of members of the council, on the 27th May last; but up to the present time no steps have been taken by the Government; and although the council have very recently learned that it is still intended to bring forward the promised measure, yet, owing to the advanced period of the session and the state of the public business, they fear that little hope can be entertained that they will pass into law during the present year.

IV.—Remuneration of Attorneys and Solicitors.

On the 21st April last, the Lord Chancellor stated in the

House of Lords his intention to introduce a bill for better regulating the remuneration of solicitors, and soon afterwards, in consequence of a communication made to the council that his Lordship was desirous of entertaining suggestions from gentlemen representing the general body of solicitors, the council appointed a special committee of their own body to watch the bill, with power to invite the co-operation of other solicitors in the consideration of the subject. Accordingly the special committee was enlarged by the addition of solicitors of great experience, and a sub-committee of this body was appointed for the purpose of receiving any communication which the Lord Chancellor might desire to make on the subject. Subsequently his Lordship was good enough to forward a copy of the bill for the consideration of the committee, and to invite their observations upon it.

The council congratulate the profession that those principles in regard to the remuneration of solicitors, for which they have so long contended, have thus been recognised, and they feel convinced that the principle of the bill, if properly carried out, will tend greatly to the advantage of the public, by enabling solicitors, with the concurrence of their clients, to substitute, with respect to a large class of business, in lieu of long bills of costs, a fixed scale of payment intelligible to the client, more adapted to the business, and suitable to the character of a liberal profession.

Having given the bill full consideration, the committee, in compliance with the wishes of the Lord Chancellor, transmitted to his Lordship some observations affecting the mode of carrying out the principles embodied in the bill.

The following is the substance of the observations adverted to:—

That, with respect to the first clause, the committee considered that the proviso at the end of it would almost entirely neutralise its operation and usefulness, as it would prevent a fixed and intelligible mode of payment, such as it was considered his Lordship, as well as solicitors, desired to introduce, from being applicable, by means of an ordinary contract, to that large class of solicitors' business for which such a mode of payment could be readily adopted.

At the same time, there could be no objection to the insertion of any proviso to prevent fraud or undue influence on the part of solicitors with respect to special contracts of an extraordinary character, though the committee considered that the existing law would be quite equal to deal with such cases.

With respect to the second clause, it did not seem to be clear whether it was intended that a solicitor, being a trustee, was to have costs, if appointed a trustee under a trust created before the 1st January, 1865. And it was submitted that he ought to have costs, whether *appointed* before or after that date, and whether the trusts are created by deed or will, or in any other form, antecedently to that date. It was thought, also, that the clause should extend to solicitors *executors* as well as *trustees*.

The committee suggested that it would be better to enact in general terms to the effect that, from and after the 1st day of January, 1865, the rule of equity shall be abolished which prevents an attorney or solicitor from making professional charges, and receiving payment for business properly done by him as an attorney or solicitor in relation to trust estates, or property of which he is a trustee or executor, either solely or jointly with any other person or persons.

The committee also took the opportunity of bringing to his Lordship's attention the following suggestion on the subject of costs, which they believed could be carried out by his Lordship without the aid of Parliament.

That inasmuch as in suits and other similar proceedings the taxation of costs must continue to be unavoidable, they desired to press upon his Lordship's attention the propriety of issuing orders in chancery, directing the taxing-masters to exercise that *full discretion* in taxing costs which it was intended should be exercised when those officers were first appointed.

And with respect to this suggestion, the committee thought it desirable that his Lordship should be informed that, as long since as 1840, the committee of management of this society, in answer to an invitation from the late Lord Langdale, submitted to him a series of observations relating to solicitors' remuneration, and the appointment of taxing-masters; and then pointed out that the first step towards the introduction of any effectual improvement, must be the establishment of a taxing board possessed *of discretionary powers*, composed of men practically acquainted with the details of a solicitor's business, and being so selected as to ensure the confidence of the profession.

The members will have no doubt heard that the bill has been referred to a select committee.

Parliamentary fees.—In June, 1863, the attention of the council was directed to the report of the select committee of the House of Commons on Private Bill Legislation.

In the 10th and 11th resolutions of that committee it is stated—"That the payment of solicitors by means of fees on copies of minutes of evidence, and other documents, which entail no labour upon them, is improper, and ought to be abolished, and that it is expedient that the minutes of evidence should be printed."

The council having ascertained that the speaker of the House of Commons intended to revise the scale of fees allowed to solicitors and Parliamentary agents for business transacted by them in that House, thought it right to address a communication to the speaker to the following effect:—

It was pointed out that the select committee did not appear to have had under their consideration any general revision of the scale, or, at all events, that they had recorded their opinion upon one feature in it only, and that, although the council were not prepared to dispute that the entire principle or system on which the remuneration of solicitors is based, whether in the courts of law and equity or in Parliament, might undergo useful revision, they felt called upon to protest against a resolution which, without affecting to deal with the general subject, either on principle or in detail, condemned a particular class of charges because they gave a greater remuneration than was, in the judgment of the select committee, due to the particular matter in respect of which they were allowed.

That the fact had been overlooked that the remuneration of solicitors for the transaction of business in and out of court, and in and out of Parliament, rested largely upon the profits derived from copies of papers, and that it was unjust to select or condemn a particular item, or part of the system, without considering that part in connection with the whole. That the council had repeatedly urged, on the part of the general body of solicitors, the adoption of a better scheme of remuneration, and one which should more closely adapt itself to the skill and labour bestowed, and the amount or extent of interest affected in particular transactions; as such a system of remuneration would be more satisfactory to clients generally, and in particular to solicitors, if for no other reason than that it would rest upon a clear and intelligible principle, and be free from that criticism which the present artificial system invites.

That as regarded the suggestion, that shorthand notes should be printed, the council concurred in the principle that the convenience of the tribunal and of the suitors should be the governing consideration on such a question, and stated that the legal profession had not any objection to the adoption of printing wherever it might be deemed more convenient; and they directed attention to the fact that where the system of printing had been adopted in the court of equity, the orders providing for it had been so framed as to substitute other fees to the solicitors instead of the profits previously derived by them from M.S. copies; and the council expressed a hope that the same just course would be adopted under similar circumstances in Parliamentary fees.

A special committee of the solicitors most largely engaged in Parliamentary business entered into communication with the council upon the subject, and, as it was the opinion of that committee that it would be desirable that the interests of the solicitors should be represented by them, the council did not interfere further, whilst the scale of fees was under revision of the speaker and his advisers.

The council regret to state that, by the new scale of charges issued by the speaker, very considerable reductions have been made; and as Parliamentary solicitors feel themselves more particularly aggrieved by the abolition of the fees previously allowed for copies of minutes of evidence, for which no compensation whatever has been given, the council, in anticipation of a similar course being adopted in the House of Lords, addressed the Lord Chancellor and Sir John Lefevre on the subject, respectfully requesting that no alteration should be made in the scale of fees of solicitors for business transacted in the House of Lords, until the whole subject had been fully inquired into upon its merits.

V.—Usages of the Profession.

In the course of the year many questions, submitted by parties who agreed to be bound by the decision of the council, have received consideration. In some instances, although no established usage was involved, differences between solicitors in the conduct of business have been reconciled without recourse to expensive litigation.

Care will be taken to preserve, for easy reference, those cases in which the decisions turned upon peculiar circumstances, in order to guard against any erroneous impression being derived from an inspection of the *decision* only. The questions so decided have reference to—

Preparation of deed of separation between husband and wife.

Costs on mortgage transactions.

Division of expenses between lessor or lessee.

Charges for production of deeds not in the vendor's possession.

Perusing and obtaining execution of deed of covenant to produce title deeds.

Costs of duplicate assignment of leasehold property.

Division of profits between two solicitors holding a joint appointment.

Procuration fee on mortgage.

Expenses of lease of a railway from one company to another.

Preparation of conveyance, where contract directed to be carried into effect by order of Court.

(*To be continued*).

LAW STUDENTS' JOURNAL.

LAW LECTURES AT THE INCORPORATED LAW SOCIETY.

The three courses of these lectures, which have just been concluded, comprised twelve lectures on Conveyancing, by Mr. Joseph Napier Higgins; twelve on Common Law, by Mr. William Murray; and a like number on Equity, by Mr. Montague Hughes Cookson.

INNS OF COURT EXAMINATION.

July examination on the subjects of the lectures and classes of the readers of the Inns of Court, held at Lincoln's-inn-hall, on the 4th, 5th, and 6th days of July, 1864.

The Council of Legal Education have awarded the following exhibitions to the undermentioned students, of the value of Thirty Guineas each, to endure for two years:—

Constitutional Law and Legal History—Arthur William Trollope Daniel, Esq., student of Lincoln's-inn.

Jurisprudence, Civil and International Law—Thomas Charles Jarvis, Esq., student of the Middle Temple.

Equity—Charles Royle, Esq., student of Lincoln's-inn.

The Common Law—H. Tindal Atkinson, Jun., Esq., student of the Middle Temple.

The Law of Real Property, &c.—John Matthias Spread, Esq., student of Lincoln's-inn.

The Council of Legal Education have also awarded the following exhibitions of the value of Twenty Guineas each, to endure for two years, but to merge on the acquisition of a superior exhibition:—

Equity—Alfred C. Curlewis, Esq., student of Lincoln's-inn.

The Common Law—John Ewart, Esq., student of the Middle Temple.

The Law of Real Property, &c.—John Ewart, Esq., student of the Middle Temple.

ANSWERS TO THE QUESTIONS AT THE FINAL EXAMINATION.

Trinity Term, 1864.

By J. Bradford, LL.B., and W. Webb, Solicitors.

The numbers prefixed to the answers refer to the numbers prefixed to the questions in the Journal of the 25th ult., p. 677.

IV. Bankruptcy and Practice of the Courts.

56. The object of the bankrupt laws, as regards creditors, is to compel the bankrupt to surrender all his property for the purpose of rateable division amongst them. As to the bankrupt, their object is to discharge the honest debtor who through misfortune has fallen into difficulties, and to enable him to become re-instated in business (Purkis on Bankruptcy, p. 1).

57. The following are some of the alterations in the law of bankruptcy made by the Act of 1861, viz.:—

Conferring upon the county courts in the country, within their districts, the like power as formerly belonged to the commissioners of the district courts of bankruptcy.

The abolition of the insolvent courts, and, for the most part, of all distinctions between traders and non-traders.

The commissioners may sit at chambers for the dispatch of business, and so may the registrars, and distinct powers are given to the latter by the 52nd section of the Act.

The most important of which is power to adjudicate bankrupt, without any petition, persons lying in prison a certain time.

The sheriff must sell by auction goods taken in execution against a trader for a sum over £50, and the produce of sale, subject to certain deductions for costs and expenses, is vested in the assignees where there is an adjudication of bankruptcy within fourteen days of the sale.

Debtors in prison are allowed to sue *in formâ pauperis*.

The administration of the bankrupt's estate is taken out of the hands of the official assignee, and vested in the creditors' assignee, and the creditors have power to stay proceedings in bankruptcy at any time, or wind up the estate under a deed of arrangement.

The classification of certificates and audit meetings abolished.

58. The following acts of bankruptcy are applicable to *traders* only:—

(1). Absenting himself from his dwelling-house or place of business.

(2). Beginning to keep house.

(3). Suffering himself to be arrested or taken in execution for any debt not due.

(4). Yielding himself to prison.

(5). Fraudulent outlawry.

(6). Fraudulent arrest.

(7). Fraudulent attachment.

(8). Compounding with petitioning creditor (section 71, 1849 Act).

(9). Having privilege of Parliament, not paying or compounding for a debt (section 77).

(10). Refusing or neglecting to pay after trader debtor summons (section 80).

(11). Suffering execution to be levied for debt exceeding £50 (section 73, 1861 Act).

The following are equally applicable to *traders* and *non-traders*:—

(1). Departing the realm with the intent to defeat or delay creditors.

(2). Remaining abroad with like intent.

(3). Making fraudulent conveyance, &c., with like intent.

The preceding are under section 67, 1849 Act, and section 70, of 1861 Act.

(4). Lying in prison, trader fourteen days, non-trader two calender months (section 71, 1861 Act.)

(5). Escaping from out of prison or custody (section 71, 1861 Act).

(6). Filing declaration of insolvency (section 72, 1861 Act), or petition for adjudication (section 86).

(7). Petition followed by adjudication in the foreign dominions of the Crown (section 75, 1861 Act).

(8). Neglecting to pay after judgment-debtor summons.

59. If no act of bankruptcy has been already committed, the creditor may deliver in writing, the particulars of his demand, with notice requiring payment, then file an affidavit of the truth of the debt, of the debtor being a trader, and of delivery of particulars and notice. A summons then issues requiring the trader to appear before the commissioner and state whether or not he admits the demand. If he admits the same or part thereof, he must sign and file a written admission, and if he do not, within seven days, pay, tender, or secure the amount admitted, it is an act of bankruptcy on the eighth day. If he refuse to admit the demand, or part thereof, the Court may require him to sign and file a deposition on oath that he has a good defence on the merits, and to enter into a bond with two sureties to pay such sum with costs, as may be recovered in any action by the creditor. On default, and in case of non-appearance to the summons (having no lawful impediment), if he do not within seven days after personal service of the summons, pay, secure, or compound for the debt, he is deemed to have committed an act of bankruptcy on the eighth day, provided a petition for adjudication is filed against him within two months from the filing of the affidavit (sections 78 to 80, 1849 Act).

60. By section 76 of the 1861 Act, every judgment creditor who is or shall be entitled to sue out against a debtor a writ of *ca. sa.*, or to charge the debtor in execution in respect of any debt amounting to £50, exclusive of costs, shall be entitled at the end of one week from the signing of judgment, to sue out against the debtor, if a trader, or not being a trader at the end of one calendar month, and whether he be in custody or not, a summons to be called a judgment debtor summons, requiring him to appear and be examined respecting his ability to satisfy the debt. By section 83, the Court, on appearance of the debtor, or neglect to appear, without lawful impediment,

may adjudge such debtor a bankrupt, if, after service of such summons, or due notice thereof, he neglect to pay the debt and costs, or secure and compound for the same to the satisfaction of the creditor (Purkis's Bankruptcy, p. 19).

61. The debt of one petitioning creditor or partner must be £50, of two £70, of three £100. A debt owing to two or more persons, partners, falls within the meaning of a debt owing to one person.

62. Though a creditor has given credit to his debtor for the debt, the period of which credit has not expired when the debtor commits an act of bankruptcy, the creditor may yet petition, whether he shall have any security for such sum or not, so that a bill of exchange, not due, is a good petitioning creditor's debt. Act 1861, section 89 (Purkis, p. 23).

63. Yes. A creditor may petition, although the time has not arrived for payment, and whether he may have any security for the same or not (section 89, Bankrupt Act, 1861).

64. The property must be goods or chattels in the possession of the bankrupt at the time of the act of bankruptcy, with the consent of the true owner before the bankruptcy, they are not in the possession of the bankrupt with his consent.

65. If a bankrupt, being at the time insolvent, shall (except upon the marriage of any of his children, or for valuable consideration), have conveyed assigned or transferred any hereditaments, goods, or chattels, or made over any securities, or transferred his debt, the Court may order the same to be sold for the benefit of the creditors: 1849, Act, section 126; and by section 135, warrants of attorney to confess judgment in a personal action given for an antecedent debt, or consent to a judge's order, collusively given by a bankrupt.

66. By the Act of 1861, section 110, if at any meeting of creditors a proposal be made by or on behalf of the bankrupt which a major part in value of the creditors then present deem should be accepted, or if it appear to the majority in value of the creditors present at any meeting to be desirable on any ground to resolve that no further proceedings be taken in the bankruptcy, they may so resolve, and the meeting then to stand adjourned for fourteen days, for notice to be given to every creditor by the assignee. If at the adjourned meeting a majority in number, representing three-fourths in value of the creditors present so resolve, the proceedings in bankruptcy are to be suspended, and the property administered in such a manner as such majority shall direct, and the bankrupt, having made a full discovery of his estate, shall be entitled to apply for an order of discharge.

67. By sections 185 and 186 of the Bankruptcy Act, 1861, at the first meeting of creditors, or at any other meeting called for that purpose, by ten days' notice in the *Gazette*, three-fourths in number and value of the creditors present or represented, may resolve that the estate ought to be wound up under a deed of arrangement, composition, or otherwise, and the registrar is to report such resolution to the Court within four days; and the Court may, after hearing the bankrupt, and any creditor desiring to be heard, on the application of the bankrupt, or of any creditor appointed by the meeting of creditors, in its discretion, make an order according to the resolution, and give directions for the interim management.

68. It is not necessary that the whole of the debtor's property be assigned, but such deeds will be binding on all the creditors if the following conditions be observed:—

(1). A majority in number, representing three-fourths in value of the creditors whose debts amount to £10 and upwards, must assent to the deed or instrument.

(2). Every trustee appointed by the deed must execute it.

(3). The execution of the debtor must be attested by a solicitor.

(4). Within twenty-eight days after execution, the deed (duly stamped) must be left to be registered at the Chief Registrar's Office.

(5). With an affidavit by the debtor, or some person able to depose thereto, or a certificate by the trustee or trustees, that such majority of creditors as above have, in writing, approved of the deed, and stating the value of the property and credits comprised in the deed.

(6.) The deed, before registration, to be stamped, besides the ordinary stamp duty, at the rate of 5s. per cent. on the certified value of the estate, but such *ad valorem* duty not to exceed £200.

(7.) Immediately on execution of the deed by the debtor, possession of the property must be given to the trustees.

The deed must be registered in the manner required by orders of 22nd May, and 23rd July, 1862 (24 & 25 Vict. c. 134, s. 192).

69. By sect. 159 of the 1861 Act: (1). If the Court shall be of opinion that there is ground for charging the bankrupt with acts or conduct amounting to a misdemeanor, the Court shall, if the bankrupt consent thereto, direct a statement in writing of the charge to be delivered to him (and if the bankrupt require it) may summon a jury and proceed to try him on such charge, or the Court may direct his prosecution in the criminal courts.

(2). If on such trial the bankrupt be convicted, the Commissioner may, in addition to the punishment awarded, wholly refuse or suspend the order of discharge for such time and on such conditions as he shall think fit.

(3). If there appear to the Court objection to granting an immediate discharge, the Court is to proceed to consider the conduct of the bankrupt before and after adjudication, and the manner and circumstances in and under which his debts have been contracted, &c., and may either refuse an order of discharge or suspend it for such time as it thinks fit, or may grant it, subject to any condition touching any subsequent salary, earnings, income, &c., or after-acquired property of the bankrupt, or may sentence him to be imprisoned for not more than one year from date of sentence.

70. By section 161 of the Act of 1861, the order of discharge, on taking effect, discharges the bankrupt from all debts, claims, and demands, proveable under the bankruptcy, and if, thereafter, he be arrested, or sued for any such debts, &c., he is to be discharged on entering an appearance, and may plead in general that the cause of action accrued before he became bankrupt, and may give the Act and the special matter in evidence; and the order of discharge is to be sufficient evidence of the bankruptcy and proceedings thereunder; and, by section 162, if he be arrested or detained in custody for any such debt, &c., where judgment was obtained before the order of discharge took effect, the Court, or a judge of a superior court of law shall, on proof of the order of discharge, and, unless there shall appear good reason to the contrary, direct the officer having him in custody to discharge him, which he is to do without fee.

COURT PAPERS.

VACATION BUSINESS AT THE COMMON LAW JUDGES' CHAMBERS.

July 12, 1864.

The following are the regulations for transacting the business at these chambers:—

The Lord Chief Baron will attend in Serjeants'-inn Hall at half-past ten o'clock, and will commence the business of the day by taking acknowledgments of deeds.

Summonses adjourned by the judge will be heard at eleven o'clock.

The summonses of the day will be called and numbered in the Exchequer Hall at eleven o'clock, and will be heard consecutively.

The parties on two summonses only will be allowed to attend in the judge's room at the same time.

All long orders to be left that they may be ready on being applied for the following day.

Counsel will be heard at one o'clock. The name of the cause in which counsel are engaged, to be put on the counsel file.

Affidavits in support of *ex parte* applications for judge's orders (except those for orders to hold to bail) to be left the day before the orders are to be applied for, except under special circumstances; such affidavits to be properly indorsed with the names of the parties, and of the attorneys, and also with the nature of the application, and a reference to the statute under which any application is made, the party applying being prepared to produce the same.

All affidavits read or referred to before the judge, to be properly indorsed and filed.

Original summonses only to be placed on the file.

By order of the LORD CHIEF BARON.

PUBLIC COMPANIES.

RAILWAY BILLS.

On the 11th of June, the committee on the Hampstead, Midland, North-Western, and Charing-cross Junction Railway, were occupied all day in settling the clauses. The new company are to be enabled to require by notice the Midland, the

London and North-Western, the North London, the Great Western, the Metropolitan, Charing-cross, South-Eastern, and London and South-Western to afford facilities for traffic by through booking, through carriages, and mutual interchange of rolling stock, and to contract with them for the construction, use, and working of the line.

In the years 1862 and 1863, the annual number of plaints in the county courts of England averaged 822,172. The number of judgment summonses that came on for hearing averaged 61,973 in a year, the warrants of commitment issued, 17,309, and the number of persons actually taken to prison, 8,989. Two of the persons committed in the two years were sent to prison for refusing to be sworn, and eleven for refusing to answer questions to the satisfaction of the judge, and those persons remained in gaol upon an average for three weeks. But the bulk of the commitments were for not satisfying the judgment, though having sufficient means so to do, and the imprisonment of these persons averaged a fortnight; the debt remaining due on the judgment was generally of small amount averaging less than £3 10s. A few persons, 116 in all, were sent to prison for fraudulent conduct, or contracting debt without reasonable expectation of being able to pay, and those persons were imprisoned for longer periods, averaging twenty-five or thirty days; the debt remaining unpaid was commonly more considerable in these cases.

German Liberty.—The *Peoples' Gazette* of Berlin contains the following details from a correspondent respecting the kind of rule which obtains in Mecklenburg-Schwerin:—"Mr. N——, who has already acquired some notoriety by beating his servant-maid so severely that she had to be sent to the hospital, has written to the physicians of the hospital of Rostock, where one of his workmen lies ill, to say that he was ready to pay for the cost of his 'provender.' He has already made his schoolmaster take the oath of a *juge d' instruction*, and his watchman that of a police-agent, which will enable him to inflict arbitrary corporal punishment upon his estate. A prison, for the special use of the 'happy' workmen on the estate, has been built in the castle." The writer states that it is the custom, on several estates, for the peasants to take off their hats when passing by the castles, and to keep their heads uncovered till they have passed, although no member of the family should be seen about.

Divorces in Moldavia.—By the rule of the National Greek Church divorces may be obtained three times during a lifetime, both parties consenting; and in the event of one of the marriages having been contracted between people within the forbidden degrees of consanguinity, a fourth is permitted. The result may be easily guessed. In the whole society of Jassy there was only one woman who had not been divorced, but she had only been married a few weeks. It naturally follows in a limited society that the divorced couples are perpetually meeting each other; and as it ordinarily happens that they have not parted on the ground of incompatibility of temper or any domestic difference, but simply from love of change—or, in other words, change of love—they remain perfectly good friends afterwards; and a woman introduces you first to her present husband as *mon mari*, and then to her late husband as *mon ex-mari:* so that it is quite impossible to find yourself dancing in a set of lancers with seven people, every-one of whom has been married at some time in his or her life to each of the others. In this respect the system seemed productive of sociability and good-fellowship rather than otherwise; and a great deal of the pleasure of society in these parts arises from the intimate footing upon which the members are with each other; for it is evident that, if all the parents have been husbands and wives, all the children are, more or less, brothers and sisters. There are certain inconveniences attending this great confusion of relationships; but one advantage to the stranger is, that he finds himself in a large family instead of in a stiff society, where some time must elapse before he feels himself at home. The Moldavians themselves are accustomed to defend the system on the score of morality. They maintain that the great facilities which exist for divorces lessen the temptations to infidelity; but this is a distinction without a difference. Where the marriage tie is so easily dissolved, it bears, even while it exists, much of the character of concubinage: and whatever theorists may urge in favour of loosening the bonds of matrimony, the experiment, as tried in the Principalities, is not encouraging.

Important to Owners of Horses.—In the Court of Queen's Bench, on Monday, June 20, before the Lord Chief Justice and Justices Blackburn and Mellor, the case of *Hodgman* v. *The West Midland Railway Company* was heard. The claim was for £1,000, the value of the racehorse Shillelagh, in consequence of its death through injuries received, owing to a quantity of sharp iron girders having been negligently left in the station-yard. The groom was taking the horse to its box before getting the ticket, when, becoming alarmed at some noise, it kicked out, and injured its legs so badly against the iron girders as to render it necessary to kill it. For the defence it was contended that, as no declaration of the value of the horse had been made, the company, under the Railway Traffic Act, were not liable for more than £50. Their Lordships admitted that the question raised was a new one, and of considerable importance. Justices Mellor and Blackburn gave judgment in favour of the company, on the ground that the act included the delivery of the horse, and that the value should have been before declared. The Lord Chief Justice declared his opinion in favour of the plaintiff, on the ground that, to entitle the company to the protection of the proviso, the negligence complained of must have taken place in their character as carriers, and at the time of the accident, though in the company's yard, the horse was still in the groom's custody, waiting to be delivered over to the company's servants. The majority of the judges being in favour of the defendants, judgment was given accordingly; but it is understood that the case will be taken to the Court of Error.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

COLE—On July 6, at 2, Adelaid-road north, Finchley-road, the wife of Henry Thomas Cole, Esq., Barrister-at-Law, of a son.

FOSTER—On July 8, at 6, Caroline-place, Mecklenburgh-square, the wife of Thomas Gregory Foster, Esq., of Lincoln's-inn, and the Temple, Barrister-at-Law, of a daughter.

FRY—On July 7, at West-hill, Highgate, the wife of Edward Fry, of Lincoln's-inn, Barrister-at-Law, of a daughter.

SANDARS—On July 9, at Minchenden Lodge, Southgate, the wife of Thomas C. Sandars, Esq., Barrister-at-Law, of a son.

TREVOR—On July 6, at 2, Blomfield-terrace, the wife of Charles Cecil Trevor, Esq., of a daughter.

DEATHS.

BREWSTER—On July 7, at 75, Warwick square, William Ragenal Brewster, Lieut.-Col. of the Inns of Court Rifle Volunteers, late Capt. 1st Batallion Rifle Brigade.

HAYWARD—On July 5, at Marden, near Devizes, in Wiltshire, Mrs. Hayward, in the 87th year of her age, the mother of Philip Hayward, Esq., of the same place, and of the Inner Temple, London.

HOLTAWAY—On June 30, at Epping, Frances Holtaway, aged 87, relict of the late John H. Holtaway, Solicitor, of Took's-court, Chancery-lane.

MARSHALL—On July 10, at Bedford, Earnest, the third son of the late Mr. Henry Marshall, Solicitor, Liverpool, in the 4th year of his age.

SALT—On July 9, at Quarry-place, Shrewsbury, Thomas Salt, Esq., aged 71.

UNCLAIMED STOCK IN THE BANK OF ENGLAND.

The amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

Lynch, William, Arundel-street, Strand, Esq., and Mary Ann Knights, Hindon-street, Pimlico, Spinster. £150 £3 per Cent. Annuities.—Claimed by said Mary Ann Knights, the survivor.

Ward, William, Stock Exchange, Esq., 13 dividends on the sum of £4 10s. per annum Consolidated long annuities.—Claimed by George Pearse, one of the executors of the said William Ward, deceased.

LONDON GAZETTES.

Winding-up of Joint Stock Companies.

Friday, July 8, 1864.

Limited in Chancery.

Blackburn Manufacturing Redemption and Co-operative Spinning Company (Limited).—The Master of the Rolls has fixed July 21 at 11.30, for the appointment of an Official Liquidator.

Tuesday, July 12, 1864.

Limited in Chancery.

East Dyliffe Lead and Copper Mining Company (Limited).—By an order made by Vice-Chancellor Stuart, dated July 1, the voluntary winding-up is to be continued. Pulbrook, Threadneedle-st, solicitor for the petitioners.

London and Colonial Export Oil and Provision Company (Limited).—Vice-Chancellor Kindersley, by an order dated July 8, appointed William Thomas Hemming, Pilgrim-st, Ludgate-hill, Accountant, provisionally, official liquidator, and has fixed Wednesday, July 20 at 12, for the appointment of an official liquidator.

New Granada Company (Limited).—Petition for winding-up, presented July 7, will be heard before the Master of the Rolls, July 21. Smith, Lincoln's-inn-fields, solicitor for the petitioners.

Snowbrook Silver Lead Mining Company (Limited).—By an order made by Vice-Chancellor Stuart, dated July 1, the voluntary winding-up is to be continued. Pulbrook, Threadneedle-st, solicitor for the petitioners.

Friendly Societies Dissolved.

FRIDAY, July 8, 1864.

Sons of Britannia Friendly Society, Duke of Northumberland Tavern, Worship-st, Finsbury. July 4.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, July 8, 1864.

Baxter, Gilbert, Roxburgh-ter, Haverstock-hill, Gent. Sept 15. Abraham, Mansfield-st.

Coles, Jas, Cannington, Somerset, Esq. Sept 28. Trevor, Bridgwater.

Downes, Edwd, Hyde-park-sq, Esq. Aug 20. Birt, Southampton-st.

Este, Michael Lambton, Marylebone-rd, Esq. Sept 30. Symes & Sandilands, Fenchurch-st.

Turton, Right Rev Thos, Lord Bishop of Ely, The Palace, Ely. Sept 10. Burder & Dunning, Parliament-st.

Good, Margaretta Eliz, Burton-cres, Spinster. Sept 30. Symes & Sandilands, Fenchurch-st.

Hawkes, Matthew, Nottingham, Wine Merchant. Sept 10. Campbell & Co, Nottingham.

Jordan, Lewis, Linslade, Buckingham, Coal Merchant. Aug 30. Newton & Whyley, Leighton Buzzard.

Mears, Chas Thos, Hamilton-ter, St John's-wood. Aug 20. Smith & Son, Richmond, Surrey.

White, Richd, Longwick, Buckingham, Yeoman. Sept 29. Holloway, Thame, Oxfordshire.

TUESDAY, July 12, 1864.

Adams, John, Walsall, Stafford, Wheelwright. Sept 3. Barnett & Co, Walsall.

Edwards, Chas, Church-st, Chelsea, Licensed Victualler. Sept 5. Marson & Co, Anchor-ter, Southwark.

Felton, Hy, Warrington Lodge, Streatham-common, Gent. Aug 15. Wilkins, King's Arms-yard.

Ford, Edwd, Wilson-st, Finsbury, Wholesale Fancy Card Box Manufacturer. Sept 5. Wilkin, Tokenhouse-yard.

Greenwood, Wm, Stonegate, York, Cabinet Maker. Sept 9. Wilson, Lendal, York.

Hayward, Sarah, Ilford, Essex, Widow. Sept 12. Waller, King-st, Cheapside.

Hope, Andrew, St George's-pl East, Commercial-rd, Gent. Aug 26. Anderson & Stanford, Gt James-st, Bedford-row.

Howell, Thos, New Kent-rd, Surrey, Surgeon. Aug 1. Robinson & Haycock, Charterhouse-sq.

Hughes, Ann, Astley, Worcester, Widow. Sept 21. Nicholas & Pardoe, Dewdley, and Cook, Stourport.

Lewin, Geo, King's Cross-rd, St Pancras, Licensed Victualler. Sept 5. Marson & Co, Anchor-ter, Southwark.

Lindsay, Chas, Air-st, Regent-st, Hotel Keeper. Aug 31. Tyrrell, Gray's-inn-sq.

Mahony, Wm, Bristol, Saddler. Sept 29. Hobbs, Bristol.

Mahony, Mary, Bristol, Widow. Sept 29. Hobbs, Bristol.

Orry, Jas, East Barkwith, Lincoln, Grocer. Sept 15. Wood, Louth.

Payne, Eliz, Bristol, Widow. Sept 7. J. & H. Livett, Bristol.

Plampin, Fanny, Camden-hill-rd, Widow. Aug 25. Blake, Regent-st.

Statham, Saml, East Grinstead, Sussex. Sept 10. Lever & Son, Bedford-row.

Sumner, Dr John Bird, Archbishop of Canterbury, Lambeth Palace. Aug 31. Knyvett, Parliament-st.

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, July 8, 1864.

Bevan, Wm, Stapleton, Gloucester, Esq. Nov 1. Robinson v Wood, V.C. Stuart.

Castelli, Frank, Grove-villas, Highbury, Merchant. Nov 7. Castelli v Castelli, V.C. Stuart.

Higgs, Thos, East Hagborne, Berks, Farmer. July 29. Humfrey v Roberts, V.C. Stuart.

Pillans, Martha, Swaffham, Norfolk, Widow. Aug 1. Re Pillans, M.R.

Swain, Wm, Leamington Priors, Warwick, Builders. Aug 4. Swain v Salmon, V.C. Wood.

Taylor, Eliza Odella, Cheltenham, Widow. Aug 1. Peyton v Downing, V.C. Kindersley.

TUESDAY, July 12, 1864.

Bateman, Jas, Leadenhall-market, Fishmonger. Nov 2. Bateman v Laby, V.C. Stuart.

Brown, Alex, Citadel, Plymouth, Colonel Royal Engineers. Nov 2. Rodney v Manners, V.C. Kindersley.

Glenn, Rebeckah, Gt Tufton-st, Westminster, Spinster. Aug 3. Dawes v Chadwin, V.C. Kindersley.

Jones, David Hy Mutlow, Garth, Monmouth, Yeoman. Aug 1. Saunders v Evans, M.R.

Stephen, Jas, Pemberton, Lancaster, Yeoman. July 30. Stephen v Stephen, M.R.

Titherington, Jas, Haslingden, Lancaster, Flannel Manufacturer. July 25. Sims v Titherington, Court of Palatine of Lancaster.

Woodbridge, Fredk, Wavendon, nr Woburn, Esq. Aug 1. Walters v Woodbridge, M.R.

Assignments for Benefit of Creditors.

FRIDAY, July 8, 1864.

Kempton, Saml, Oakley st, Lambeth, Carpenter. June 17. Lawrance & Co, Old Jewry-chambers.

Williams, Thos, Pool, Montgomery, Coal Dealer. June 14. Jones, Poole.

Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, July 8, 1864.

Bailey, Joseph, jun, Nottingham, Lace Manufacturer. June 29. Comp. Reg July 6.

Braddon, Jas Champion, Vere-st, Oxford-st, Clerk in the Colonial Office. June 29. Comp. Reg July 6.

Bridger, Geo, Nottingham, Lace Agent. June 29. Comp. Reg July 6.

Callis, Chas, Lpool, Ironmonger. June 10. Comp. Reg July 7.

Cameron, Wm Ogilvie, Lordship-ter, Stoke Newington, Manager of London and Colonial Export Oil Co. July 1. Comp. Reg July 6.

Carter, Philip Allworth, Woods-mews, Grosvenor-sq, Assistant to a Horse Dealer. June 14. Comp. Reg July 7.

Chapman, Wm, Hope Wharf, Limehouse, Builder. May 24. Comp. Reg July 5.

Clark, Richd, Milton-next-Gravesend, Kent, Engineer. July 1. Conv. Reg July 6.

Emmins, John, Montpelier-st, Brompton, Cheesemonger. June 16. Conv. Reg July 6.

Ferrari, Achille, Dewsbury, York, Rag Merchant. June 7. Comp. Reg July 5.

George, Geo, Lpool, Biscuit Manufacturer. June 17. Comp. Reg July 6.

Grundy, Isaac Newton, & Arthur Hugh Swallow, Wilmslow, Chester, Paper Stationers. June 22. Comp. Reg July 6.

Hibbert, Wm, Manch, Furniture Broker. June 29. Comp. Reg July 6.

Hoad, Wm Daniel, Hastings, Coal Merchant. June 14. Conv. Reg July 7.

Holmes, Wm Stuart, Manch, Grocer. June 3. Asst. Reg July 6.

Jarman, Saml, Taunton, Coal Dealer. June 18. Conv. Reg July 6.

Johnson, Thos Brooks, and Wm England, Kingston-upon-Hull, Oil and Seed Brokers. June 16. Asst. Reg July 5.

Jones, Hy, Tipton-green, Stafford, Brewer's Agent. May 21. Comp. Reg July 6.

Kempton, Saml, Oakley-st, Lambeth, Carpenter. June 17. Conv. Reg July 7.

Lawes, Robt Curll, Heigham, Norwich, Seed Merchant. July 4. Conv. Reg July 6.

Lawton, John, Salford, Lancaster, Teamster. June 3. Asst. Reg July 6.

Ledgard, John, Bradford, Woolstapler. June 21. Conv. Reg July 7.

Pady, Thos, Kingsbridge, Cordwainer. June 15. Conv. Reg July 7.

Palmer, Thos Hatchard, Gracechurch-st, Bookseller. June 8. Comp. Reg July 6.

Philip, Jeremiah, Skipton, York, Tailor. June 9. Conv. Reg July 7.

Ring, Alex Hy, Rochester, out of business. July 1. Conv. Reg July 5.

Seaman, Thos, Oxford, China Dealer. June 16. Conv. Reg July 5.

Sterratt, Israel, Manch, Brickmaker. June 15. Asst. Reg July 8.

Thomas, Evan Lake, Carmarthen, Publican. June 9. Comp. Reg July 5.

Todd, Joseph, Rugby, Grocer. June 11. Conv. Reg July 7.

Turner, Hy, Cannon-st West, Leather Manufacturer. June 27. Asst. Reg July 5.

Weight, Edmund, Blackheath, Watchmaker. June 28. Comp. Reg July 6.

Williamson, Edwd, Holmfirth, York, Draper. June 16. Conv. Reg July 7.

TUESDAY, July 12, 1864.

Birks, Chas, Nottingham, Lace Manufacturer. June 28. Asst. Reg July 8.

Bonner, Geo Fredk, Carlton-rd, Kentish-town, Engraver. June 27. Comp. Reg July 9.

Brothers, Chas, Leamington Priors, Warwick, Painter. June 15. Conv. Reg July 12.

Clare, Wm, Hanover-pl, Islington, Grocer. July. Conv. Reg July 11.

Deacon, Felix, Henrietta-st, Brunswick-sq, out of business. June 13. Comp. Reg July 11.

Denton, John, Norman-rd, Old Ford, Commission Agent. June 11. Comp. Reg July 9.

Dunn, Richd Penniston, Datchett, Bucks, out of business. June 28. Comp. Reg July 12.

Fowler, Wm Richd, New Cross-rd, Kent, Builder. June 17. Conv. Reg July 12.

George, Wm Hy Blaenavon, Monmouth, Grocer. June 14. Conv. Reg July 9.

Harrison, Brian, Sadberge, nr Darlington, Cattle Dealer. June 11. Conv. Reg July 9.

Hart, Louis, Orange-row, Kennington, Tobacconist. June 15. Comp. Reg July 7.

Hartmann, Jacob, Nottingham, Boot Manufacturer. June 18. Conv. Reg July 9.

Lawrence, Wm Francis, & Walter Joseph Fry, New Broad-st, Timber Brokers. July 6. Inspectorship. Reg July 12.

Levy, Reuben, Manch, Warehouseman. June 29. Comp. Reg July 9.

Loveland, Hy, Leicester, Grocer. June 24. Conv. Reg July 8.

Morgan, Thos, Haverfordwest, Butcher. July 6. Conv. Reg July 9.

Pinnock, Wm, Islip-st, Camden-town, Exporter of Goods. June 29. Comp. Reg July 12.

Powell, Wm, Lpool, Corn Merchant. June 14. Comp. Reg July 9.

Prickett, Loder, Basinghall-st, Woollen Warehouseman. June 14. Comp. Reg July 11.

Russell, Mary Ann, Brighton, Widow. June 9. Asst. Reg July 7.

Tillett, Fredc, Banner-st, St Luke's, Splint Manufacturer. June 10. Conv. Reg July 7.

Tucker, Roger Squire, Walbrook, Warehouseman. June 15. Comp. Reg July 8.

Underhill, Jas, Lpool, Accountant. June 15. Conv. Reg July 11.

Williams, Jas, Wonastow-mill, Monmouth, Miller. June 11. Comp. Reg July 9.

Williams, John, Abingdon, Berks, Sacking Manufacturer. July 2. Comp. Reg July 9.

Williams, Wm, Oxford, Bootmaker. June 16. Asst. Reg July 11.

Wright, Wm Nicoll, Seymour-lodge, Wandsworth-rd, Coal Merchant. July 6. Comp. Reg July 9.

Bankrupts.

FRIDAY, July 8, 1864.

To Surrender in London.

Abbey, Edwd, Oxford, Grocer. Pet July 5. July 28 at 11. Hill, Basinghall-st.

Bayly, John Phillip, Broad-st, Golden-sq, Watchmaker. Pet July 4. July 20 at 2. Wright, Chancery-lane.

Bendall, Hy, Freshwater, Isle of Wight, Plumber. Pet July 4. July 19 at 1. Poole, Bartholomew-close, London, and Joyce, Newport.

Black, Andrew, Surrey-ter, Peckham, Carpenter. Pet July 4. July 25 at 12. Sheppard & Riley, Moorgate-st.
Burrell, Thos, jun, Walthamstow, Assistant to a Cattle Salesman. Pet July 6. July 19 at 2. Woodard, Fenchurch-st.
Cole, Joseph, George's-pl, Bermondsey, out of business. Pet July 2 (for pau). July 18 at 12. Aldridge.
Carr, Richd, Waterloo-ter, Stepney, Cheesemonger. Pet July 4. July 25 at 12. Drew, New Basinghall-st.
Ford, Chas Joseph, Wellington-st, Deptford, Plumber. Pet June 30. July 20 at 2. Langton, Walbrook.
Gubbins, Chas, Bournemouth, Southampton, Painter. Pet July 2. July 28 at 11. Peacock, South-sq, Gray's-inn.
Hart, John, New North-rd, out of business. Pet July 2. July 28 at 12. Faverley, Coleman-st.
Inglis, Robt, Church-st, Kensington, out of business. Pet July 4 (for pau). July 19 at 12. Aldridge.
Johnson, Hy Chas, Bath-rd, Peckham, Accountant. Pet July 5. July 28 at 11. Shepheard, Moorgate-st.
Jones, John Hy, Old Compton-st, Soho, Painter. Pet June 13. July 19 at 1. Woods, May's-bldgs, St Martin's-lane.
Kibu, John Geo, Hanover-st, Regent-st, Keeper of a Tavern. Pet July 6. July 19 at 2. Kayr, Mark-lane.
Olden, Jas, & Geo Olden, Penge, out of business. Pet July 4. July 19 at 1. Hudson, Bedford-row.
Pamment, Hy, Sandwich-ter, Battersea, Pork Butcher. Pet July 6. July 19 at 2. Hill, Basinghall-st.
Parsons, John, Waterloo-rd, out of business. Pet July 4 (for pau). July 19 at 12. Aldridge.
Perfitt, Philip Wm, Newman-st, Oxford-st, Lecturer. Pet July 4. July 28 at 11. Shaen & Roscoe, Bedford-row.
Richards, John Hy, Twickenham, Manager to a Pianoforte Dealer. Pet July 1. July 28 at 11. Treherne & Wolferstan, Aldermanbury.
Stanford, Jas, Burlington-arcade, Piccadilly, Boot Maker. Pet July 4. July 20 at 2. French, Crutched-friars.
Thomson, John, Liverpool-st, Bishopsgate-st, Bootmaker. Pet July 4. July 23 at 11. Phelps, Bucklersbury.
White, Geo, Colville-mews, Kensington-park-gardens, Cab Driver. Pet July 4. July 20 at 2. Hill, Basinghall-st.
Wilkinson, Mary Anne Jessy, Aldersgate-st, Governess, Widow. Pet July 5. July 28 at 11. Olive, Portsmouth-st, Lincoln's-inn-fields.
Wilson, John, Albert-sq, Clapham-rd, Clerk. Pet July 4. July 19 at 2. Chandler, Bucklersbury.

To Surrender in the Country.

Attwood, Chas Jas, Caegwyn, Tremeirchion, nr St Asaph, Gent. Pet July 5. Lpool, July 19 at 12. Evans & Co, Lpool.
Brooks, Alfred, Bedford, Photographer. Pet July 2. Bedford, July 16 at 11. Jessopp, Bedford.
Butler, Thos, Alexton Rectory, Leicester, Clerk in Holy Orders. Pet July 6. Birm, July 20 at 12. Wilson, Uppingham Rutland, Partridge & Woodward, Birm.
Candler, Jas, Mistley, Essex, Bricklayer. Pet May 12. Harwich, July 21 at 10.30. Jones, Colchester.
Chisnall, Wm, Worsley Brow, Lancaster, Grocer. Pet July 5. St Helen's, July 22 at 11. Beasley, St Helen's.
Darlington, Thos, Bursiem, Clockmaker. Pet July 7. Hanley, Aug 6 at 11. Sutton, Burslem.
Day, Hy, Stoke-upon-Trent, Grocer. Pet July 5. Birm, July 20 at 12. Tennant, Hanley; Smith, Birm.
Denison, Thos, Yeadon, York, Woollen Cloth Manufacturer. Pet June 28. Leeds, July 20 at 11. Rawson & Co, Bradford, and Bond & Barwick, Leeds.
Eld, Thos Wm, Derby, Silk Throwster. Pet July 5. Birm, July 26 at 11. James & Griffin, Birm.
Evans, Enoch, Bilston, Stafford, Licensed Victualler. Pet July 4. Wolverhampton, July 28 at 12. Thurstans, Wolverhampton.
Forbes, Andrew, Lpool, Grocer. Pet July 6. Lpool, July 19 at 3. Thornley, Lpool.
Francis, John Wm, Neath, Glamorgan, Cabinet Maker. Pet July 2. Neath, July 20 at 11. Kempthorne, Neath.
Haddon, Richd Walker, Norwich, out of business. Pet July 6. Norwich, July 18 at 11. Emerson, Norwich.
Hamilton, Chas Hy, Hanley, Auctioneer. Pet July 7. Hanley, Aug 6 at 11. Sutton, Burslem.
Humphrey, Anthony Brawn, Monkwearmouth, Sunderland. Pet June 29. Sunderland, July 20 at 12. Robinson, Sunderland.
Hunter, Wm, Bishopwearmouth, Durham, Beerhouse Keeper. Pet June 29. Sunderland, July 20 at 12. Graham, Sunderland.
Icke, Jas, Madeley, Salop, Grocer. Pet July 5. Birm, July 20 at 12. Clarke, Shrewsbury, and Reece & Harris, Birm.
James, Thos, Trysull, Stafford, Farm Bailiff. Pet June 29. Wolverhampton, July 28 at 12. Stokes, Dudley.
Jones, Mathew, Lpool, Coal Dealer. Pet July 4. Lpool, July 20 at 11. Tyrer, Lpool.
Knibbs, Thos, Heaton Norris, Lancaster, Carter. Pet July 4. Manch, July 20 at 9.30. Smith & Boyer.
Laity, Jas Congdon, Plymouth, out of business. Pet July 4. East Stonehouse, July 25 at 11. Edmonds & Son, Plymouth.
Levick, Sami, Sheffield, General Dealer. Adj June 20. Sheffield, July 20 at 1.
Mclsaac, John, Gravesend, Licensed Victualler. Pet July 4. Gravesend, July 20 at 11. Sharland, Gravesend.
Mower, Fredk Seymour, Taunton, Postmaster. Pet July 7. Exeter, July 22 at 11. Reed, Bridgwater, and Clarke, Exeter.
Nutt, Geo, Chatham, Beersaller. Pet July 5. Rochester, July 20 at 2. Hayward, Rochester.
O'Connor, Mary, Swindon, Wilts, Dealer in Boots. Pet July 6. Bristol, July 19 at 11. Henderson, Bristol.
Scragg, Ralph, Hanley, Modeller. Pet July 5. Hanley, Aug 6 at 11. Sutton, Burslem.
Spedding, Geo, Westleigh, Lancaster, Cotton Factory Operative. Pet July 5. Leigh, July 20 at 1. Ambler, Leigh.
Wallen, John, Plymouth, Fisherman. Pet July 6. East Stonehouse, July 25 at 11. Elworthy & Co, Plymouth.
Watson, Hy Lund, Paddock, nr Huddersfield, Comm Agent. Pet June 29. Huddersfield, July 21 at 10. Moseley, Huddersfield.
Wearing, John, Attleborough, Warwick, Baker. Pet July 4. Nuneaton, July 23 at 10. Estlin, Nuneaton.
Webb, Jas, Walsall, Stafford, Bridle Bit Manufacturer. Pet July 6. Birm July 29 at 12. Green, Birm; Sheldon, Wednesbury.
Whitehead, Jas, Howburn, Northumberland, Farmer. Pet July 2. Newcastle-upon-Tyne, July 25 at 12. White, Berwick-upon-Tweed, and Chartres, Newcastle-upon-Tyne.
Williams, John, Ilfracombe, Devon, Coal Merchant. Pet July 2. Barnstaple, July 22 at 12. Bencraft, Barnstaple.
Williams, Wm Llewellin, Hereford, Veterinary Surgeon. Pet July 4. Bington, July 26 at 11. Averill, Hereford.
Woodhead, Geo, Egmanton, Nottingham, Blacksmith. Pet July 2. Newark, July 20 at 12. Cursham, Mansfield.

TUESDAY, July 12, 1864.

To Surrender in London.

Bath, Stephen, Widegate-st, Bishopsgate-st, Coal Dealer. Pet July 7. July 28 at 12. Baddeley & Son, Leman-st.
Beaumont, Saml, South-st, Islington, Barman. Pet July 8. July 26 at 1. Lewis, Gt Marlborough-st.
Beets, Geo Carlton, Wells, Norfolk, Grocer. Pet June 29. Aug 3 at 11. Sole & Co, Aldermanbury, and Miller & Co, Norwich.
Bradshaw, Edw, Thame, Oxford, Draper. Pet July 2. Aug 3 at 11. Plunkett, Milk-st.
Bucknell, Danl, Cirencester-st, Harrow-rd, Plasterer. Pet July 9. July 28 at 2. Denton & Hall, Gray's-inn-sq.
Cutmore, Jas, Hertford, Furniture Broker. Pet July 8. July 25 at 12. Batchelor, Serle-st, Lincoln's-inn.
Doran, Jas, Prisoner in Maidstone Gaol, Staff Assistant-Surgeon, H.M.A. Pet July 11. July 26 at 1. Doyle, Verulam-bldgs, and Morgan, Maidstone.
Douthett, Andrew Wilson, Woolwich, Grocer. Adj June 17. July 28 at 12. Aldridge.
Gunn, Jas, Fleet-st, Coffee-house Keeper. Pet July 5. July 23 at 11. Wakes, New Boswell-ct.
Halliday, Eliz Mary, London-wall, Horse-cloth Maker, Widow. Pet July 8 (for pau). July 23 at 12. Aldridge.
Kemp, Richd, Paynton-st, Poplar, Ships' Smith. Pet July 6. July 28 at 2. Buchanan, Basinghall-st.
King, Wm Goodger, Thornborough, nr Buckingham, Farmer. Pet July 8. July 23 at 12. Tomlins, Lincoln's-inn-fields.
Marsden, Hy, Queen's Head-passage, Cellerman. Pet July 9. July 23 at 1. Tyrrell, Gray's-inn-sq.
Newell, Wm Burfield, Tunbridge Wells, Grocer. Pet July 24. July 23 at 1. Matthews & Co, Leadenhall-st.
O'Connor, Patrick Hy, Uxbridge-gardens, Bayswater, out of business. Pet July 8 (for pau). July 23 at 12. Aldridge.
Robbins, Wm, Harrow-rd, Paddington, Omnibus Proprietor. Pet July 7. July 28 at 2. Davies, Union-ct, Old Broad-st.
Rodan, David, Bromley-st, Commercial-rd East, Chemist. Pet July 8. July 28 at 1. Fisher, Camberwell New-rd.
Salmon, Vohs, and Abraham Wallach, Hackney-rd, Boot Manufacturers. Pet July 8. July 23 at 12. Sole & Co, Aldermanbury.
Shelton, Thos, Harringworth, Northampton, out of business. Pet July 5. July 23 at 11. Wright & Bonner, London-st, Fenchurch-st, for Law, Lincolnshire.
Simpson, Chas Cecil, Southampton, Berlin Wool Dealer. Pet July 8. July 23 at 11. Paterson & Son, Bouverie-st.
Smith, Joseph, York-rd, Lambeth, out of business. Pet July 8. July 28 at 1. Bramwell, Scott's-yd, Bush-lane.
Turner, John, Walpole-st, King's-rd, Chelsea, no occupation. Pet July 7. July 23 at 12. Laden, Gray's-inn-sq.
Veale, Wm, Charlotte-st, Mansion-house, Attorney's Clerk. Pet July 7. July 25 at 11. Spencer, Coleman-st-bldgs.
Waygood, Morris, Salem-pl, Waltham-green, Soda Water Manufacturer. Pet July 8. July 28 at 1. Woodbridge & Sons, Clifford's-inn.
Wiener, Lewis, Gresham-house, Old Broad-st. Pet July 7. July 23 at 2. Woolf, King-st, Cheapside.

To Surrender in the Country.

Bell, Joseph Jackson, Wellingborough, Northampton, Carpenter. Pet July 6. Wellingborough, July 21 at 11. White, Northampton.
Biggiestone, Wm Hoskins, Hereford, Greengrocer. Pet June 27. Hereford, Aug 2 at 10. Garrold, Hereford.
Bozward, Matthew, Grimley, Worcester, Gardener. Pet July 9. Worcester, July 25 at 11. Wilson, Worcester.
Burrell, John, Oldham, out of business. Pet July 7. Oldham, July 23 at 12. Ascroft, Oldham.
Burrow, Emmeline Thomazine, Falmouth, Milliner. Pet July 11. Exeter, July 22 at 12. Terrell, Exeter.
Chilton, Wm, Longsight, near Manch, Plumber. Pet July 7. Manch, July 25 at 11. Marsland, Manch.
Conyer, Wm, jun, Dewsbury, York, Innkeeper. Pet July 8. Dewsbury, July 22 at 11. Scholefield & Oldroyd, Dewsbury.
Cook, Wm, Potterhanworth, Lincoln, Cordwainer. Pet July 6. Lincoln, July 20 at 11. Brown & Son, Lincoln.
Cudmore, John, Kenn, Devon, Miller. Pet July 11. Exeter, July 23 at 11. Flond, Exeter.
Dale, John, Kingston-upon-Hull, Sailmaker. Pet July 8. Leeds, July 27 at 12. Walker, Hull, and Bond & Barwick, Leeds.
Dyson, John, Almondbury, York, Waste Dealer. Pet July 5. Huddersfield, Aug 1 at 10. Freeman, Huddersfield.
Goschalk, Benj Lazarus, Lpool, Shipping Butcher. Pet July 7. Lpool, July 25 at 1. Thornley, Lpool.
Graham, Edwd, West Cowes, Isle of Wight, Licensed Victualler. Pet July 6. Newport, July 23 at 11. Joyce, Newport.
Gray, Adam, Norham, Northumberland, Grocer. Pet July 6. Berwick-upon-Tweed, July 26 at 3. Weatherhead, Berwick.
Hardy, John, Lpool, Slate Merchant. Pet July 7. Lpool, July 22 at 12. Bateson & Co, Lpool.
Harman, Joseph, Alcester, Warwick, Needle Scourer. Pet July 7. Birm, July 25 at 12. Jones & Son, Alcester, and Allen, Birm.
Hartley, John, Rochdale, Grease Manufacturer. Adj June 20. Lancaster, July 23 at 11. Pott, Manch.
Hayes, Edwd, Hunslet, nr Leeds, Book Deliverer. Pet July 5. Leeds, July 21 at 12. Harle, Leeds.
Heaton, Edmund, Cragg Chadderton, nr Oldham, Journeyman Bleacher. Pet July 7. Oldham, July 26 at 12. Mellor, Oldham.
Hoddinott, Walter John, Feltham, Somerset, out of business. Pet July 7. Frome, July 23 at 11. McCarthy, Frome.

Howarth, Thos, Manch, Baker. Pet July 8. Manch, July 28 at 11. Heath & Son, Manch.
James, Tom, Newport, Isle of Wight, Cattle Dealer. Pet July 7. Newport, July 23 at 12. Hooper, Newport.
Johnson, Chas, Toxteth-park, Lpool, School Proprietor. Pet July 9. Lpool, July 22 at 11. Tyndall, Lpool.
Kaye, Jas, Bradford, Grocer. Pet July 7. Leeds, July 25 at 11. Carr, Leeds.
Kempin, John, Knossington, Leicester, Shoemaker. Pet July 7. Oakham, July 25 at 12. Law, Stamford.
Kenworthy, Thos, Rusholme, nr Manch, out of business. Pet July 7. Manch, Aug 1 at 9.30. Cobbett & Wheeler, Manch.
Killburn, Robert, Batley Carr, York, Mason. Pet July 8. Dewsbury, July 22 at 11. Watts & Son, Dewsbury.
King, Germain, Helmsley, York, Surgeon. Pet July 7. Leeds, July 25 at 11. Mason, York.
Kirkup, Christopher, Sunderland, Timber Merchant. Pet July 7. Newcastle-upon-Tyne, July 29 at 12. Robinson, Sunderland.
Macri, Andrea, Cardiff, Shipbroker. Pet July 9. Cardiff, July 26 at 11. Raby, Cardiff.
Marsden, John, Youlgreave, Derby, Grocer. Pet July 2. Bakewell, July 22 at 11. Stone, Wirksworth.
Mellor, Jas, Nantwich, Chester, Assistant Gardener. Pet June 16. Nantwich, July 28 at 10. Salt, Tunstall.
Outhwaite, Richd, Manch, Salesman. Pet July 7. Manch, Aug 1 at 9.30. Swan, Manch.
Payne, Hy, Sibbertoft, Northampton, Butcher. Pet July 7. Market Harborough, July 26 at 11. Rawlins, Market Harborough.
Sourbuts, Hy Turner, Hyde, Chester, Millwright. Adj May 8. Manch, July 28 at 11.
Taylor, Saml, Frankley, Worcester, out of business. Pet July 6. Bromsgrove, July 20 at 11. Hawkes, Birm.
White, Ann Hephzibah, Ryde, Isle of Wight, Milliner. Pet July 7. Newport, July 22 at 11.30. Beckingsale, Newport.
Whitmore, Wm, jun. Dudley, Worcester, Butter Dealer. Pet July 8. Birm, July 22 at 12. Coulson, Dudley.
Woodcock, Reginald, Weymouth, Dorset, Ironmonger. Pet July 8. Exeter, July 22 at 11. Clarke, Exeter.
Woolley, John, Staleybridge, Lancaster, Cotton Waste Dealer. Adj June 20. Manch, July 26 at 12.

BANKRUPTCIES ANNULLED.

FRIDAY, July 8, 1864.

Atkinson, John, Misson, Lincoln, late an Innkeeper. July 4.
Ridgway, John, Hurdsfield, nr Macclesfield, Silk Warehouseman. July 6.

TUESDAY, July 12, 1864.

Cooper, Hy Ralph, Ixworth, Suffolk, Surgeon. Dec 9.
Kitching, Geo. Wells, Somerset, Farmer. July 7.
Swaine, Joseph, Macclesfield, Tailor. July 7.

ESTATE EXCHANGE REPORT.

AT GARRAWAY'S.

July 7.—By Mr. MARSH.

Swansea dock purchase bonds for an aggregate amount of £67,000, issued by the Swansea Harbour Trustees—Sold for £10,300.
Freehold residence, situate facing Peckham-rye; let at £75 per annum—Sold for £1,160.
Leasehold residence, being No. 7, Russell-terrace, Holland-road, Brixton; let at £38 per annum; term, 80 years from December, 1842, at a ground-rent of £5 10s. per annum—Sold for £340.
Leasehold residence, being No. 9, Russell-terrace aforesaid; term and ground-rent similar to above—Sold for £360.
Leasehold dwelling-house with shop, being No. 43, George-street, Hampstead-road; let at £55 per annum; term, 9¼ years (less 27 days) from Midsummer, 1819, at a ground-rent of £31 per annum—Sold for £220.
Leasehold dwelling-house, being No. 45, George-street; let at £60 per annum; term, 86¾ years from Christmas, 1821, at a ground-rent of £30 per annum—Sold for £220.
Leasehold dwelling-house, being No. 46, George-street; let at £50 per annum; term and ground-rent similar to above—Sold for £220.
Leasehold, 2 houses, being Nos. 8 and 9, Bradley-terrace, Wandsworth-road, producing £80 per annum; term, 61 years from Michaelmas, 1846, at a ground-rent of £37 10s. per annum.—Sold for £560.

July 8.—By Messrs. RUSHWORTH, JARVIS, & ABBOTT.

Leasehold, 3 dwelling-houses, situate Nos. 4, 5, and 6, Douglas-street, Westminster, producing 60 per annum; term, 29½ years unexpired—Sold for £460.
Leasehold, 7 residences, situate Nos. 1 to 7, Regent-terrace, Commercial-road, producing £285 per annum; term, 89½ years from Midsummer, 1825, at a ground-rent of £5 per annum—Sold for £3,010.
One undivided fourth part or share of and in the copyhold inheritance-in-fee of the above 7 residences; term and ground-rent similar to above—Sold for £30.

July 11.—By Mr. THOMAS WOODS.

Freehold estate, situate at Byfleet, Surrey, comprising Sherwater Farm, with dwelling-house, out buildings, and 53a 0r 36p of land—Sold for £1,600.
Freehold plot of land, situate as above, and containing 5a 2r 0p—Sold for £250.

By Messrs. DANIEL CRONIN & SON

Lease and goodwill, &c., of the Balmoral public-house, situate in Rutland-terrace, Thames-bank, Pimlico—Sold for £4,125.
Lease, &c., of the Palmerston Arms, wine and spirit establishment, situate at the corner of Palmerston-street, Camberwell-road—Sold for £3,800.

By Mr. J. J. ORGILL.

Lease, &c., of the Queen's Head public-house, situate in Amelia-street, Walworth-road—Sold for £1,650.
Leasehold dwelling-house and premises, situate and being No. 29, Stanley-street, Pimlico; let at £55 per annum; term 66 years from June, 1864, at a ground-rent of £9 per annum—Sold for £450.

July 12.—By Messrs. H. BROWN & T. A. ROBERTS.

Freehold residence, known as No. 1, Hatfield-houses, Oakfield-road, Penge; let at £45 per annum—Sold for £600.
Freehold residence, being No. 2, Hatfield-houses aforesaid; let at £40 per annum—Sold for £600.

July 13.—By Messrs. FAREBROTHER, CLARKE, & LYE.

Freehold residential estate, comprising a residence and 267 acres of land, situate near Horsham, Surrey—Sold for £10,300.

By Messrs. EDWIN FOX & BOUSFIELD.

Freehold and Leasehold estate, known as Rosebank, Lordship-lane, between Dulwich and Forest-hill, comprising a residence with grounds—Sold for £2,800.

By Mr. SAMUEL DONKIN.

Freehold, the Ottercaps Estate, situate in the parishes of Elsdon, Kirkwhelpington, and Corsenside, Northumberland, containing about 4,000 acres—Sold for £51,000.
Freehold estates, known as the Zone Hull and Cowdon, situate in the parish of Chollerton, Northumberland, containing about 1,214 acres—Sold for £31,000.

AT THE GUILDHALL COFFEEHOUSE.

July 7.—By Messrs. WINSTANLEY & HOPWOOD.

Leasehold residence, known as Gothic Cottage, Bonchurch, Isle of Wight—Sold for £1,400.
Leasehold residence, being No. 10, Camberwell-terrace, Camberwell; producing £90 per annum—Sold for £1,750.

July 8.—By Messrs. NORTON, HODGART, & TRIST.

Freehold and leasehold warehouses, situate Nos. 13 to 17, Commercial-street, Spitalfields—Sold for £14,500.
Freehold, 108a 2r 29p of marsh land, situate at Midley, Kent—Sold for £9,300.
Freehold, 114a 1r 21p of marsh land, situate at Midley, Kent—Sold for £5,850.
Freehold, 16a 0r 2p of marsh land, situate at Old Romney, Kent—Sold for £2,540.
Freehold, 27a 2r 35p of marsh land, situate at Old Romney, Kent—Sold for £2,550.
Freehold, 28a 3r 9p of marsh land, situate at Old Romney, Kent—Sold for £1,500.
Freehold, 20a 3r 18p of marsh land, situate at Hope-all-Saints, Kent—Sold for £1,600.
Freehold, 18a 0r 31p of marsh land, situate at Hope-all-Saints, Kent—Sold for £1,600.

July 11.—By Messrs. COBB.

The manor, or reputed manor, of Fawkham, and the freehold estate known as Fawkham Court and manor farms, situate at Fawkham, near Dartford, Kent, comprising a farmhouse, with farm-buildings, and 215a 0r 14p of arable, hop, and woodland—Sold for £5,950.
Freehold estate, known as Pinden, situate in the parish of Horton, near Dartford, Kent, consisting of a house, stable, lodges, piggeries, and 31a 0r 12p of arable and fruit land—Sold for £2,300.
Freehold, the King's Arms beerhouse and cottage adjoining, with outbuildings and garden-ground, situate at Pinden, near Dartford, Kent, containing 1r 5p—Sold for £470.

July 12.—By Messrs. E. & H. LUMLEY.

Leasehold, 2 dwelling-houses, situate and being Nos. 7 and 8, Sovereign-mews, Edgware-road; term, 45 years unexpired, at a ground-rent of £13 per annum, producing £50 per annum—Sold for £380.
Freehold residence, known as Foley Villa, Thistle-grove, West Brompton; let at £65 per annum—Sold for £900.
Freehold residence, known as the Manor House, with pleasure grounds, containing about 4¼ acres, situate at Golder's-hill, North End, Hampstead—Sold for £5,500.

July 13.—By Messrs. BAKER & SON.

Freehold house and shop, situate at Harlesden-green, Harrow-road, Middlesex—Sold for £605.

By Messrs DEBENHAM & TEWSON.

Freehold residence, known as Whitehall Cottage, and situate at Woodford Wells—Sold for £1,530.
Freehold house and shop, known as No. 80, St. John-street, Clerkenwell; let at £40 per annum—Sold for £780.
Freehold, 10 acres of land, situate at Lodge-hill, Farnham, Surrey—Sold for £325.
Freehold plot of building land, situate at Perry-hill, Sydenham—Sold for £110.
Freehold plot of building land, situate in Canterbury-road, Stanstead-lane, Sydenham—Sold for £60.
Freehold plot of building land, situate as above—Sold for £60.